

**ASSOCIATION of
GOVERNMENTS**

Main Office

818 West Seventh Street
12th Floor
Los Angeles, California
90017-3435

t (213) 236-1800

f (213) 236-1825

www.scag.ca.gov

Officers

President

Gary Ovitt, San Bernardino County

First Vice President

Richard Dixon, Lake Forest

Second Vice President

Harry Baldwin, San Gabriel

Immediate Past President

Yvonne B. Burke, Los Angeles County

Policy Committee Chairs

Administration

Ronald O. Loveridge, Riverside

Community, Economic and

Human Development

Jon Edney, El Centro

Energy and Environment

Debbie Cook, Huntington Beach

Transportation and Communications

Alan D. Wapner, Ontario

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS
GENERAL ASSEMBLY BUSINESS SESSION

THURSDAY, MAY 8, 2008

1:30 p.m. – 2:45 p.m.

**Ontario Convention Center
2000 E. Convention Center Way
Ontario, California 91764
(909) 937-3000**

A G E N D A

CALL TO ORDER

President Ovitt

PUBLIC COMMENT PERIOD – Members of the public desiring to speak on items on the agenda, or items not on the agenda, but within the purview of the General Assembly, must fill out and present a speaker's card to the Executive Assistant prior to speaking. A speaker's card must be turned in before the meeting is called to order. Comments will be limited to three minutes. The President may limit the total time for all comments to twenty minutes.

I. Minutes from May 3, 2007
General Assembly

Action
Attachment I

Recommended Action: Approve

II. 2008- 2009 General Fund
Budget

Action
Attachment II

Recommended Action: Approve

III. SCAG Proposed Bylaws Amendments

Action
Attachment III

Recommended Action: Approve

IV. 2008 SCAG Officers

Recommended Action: Approve

V. Adjournment

**SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS
GENERAL ASSEMBLY BUSINESS SESSION**

THURSDAY, MAY 3, 2007

MINUTES

BUSINESS SESSION

Representatives from the following cities and counties were in attendance:

IMPERIAL COUNTY: El Centro

LOS ANGELES COUNTY: Alhambra, Azusa, Burbank, Calabasas, Cerritos, Claremont, Compton, Downey, Inglewood, La Habra Heights, , Long Beach, Los Angeles County, Manhattan Beach, Ontario, Palmdale, Paramount, Pomona, Redondo Beach, Rosemead, San Dimas, San Gabriel, Santa Monica, South Pasadena, Torrance, Walnut

ORANGE COUNTY: Anaheim, Buena Park, Fullerton, Huntington Beach, Lake Forest, La Palma, Los Alamitos, Newport Beach, Orange County, Tustin.

RIVERSIDE COUNTY: Beaumont, Cathedral City, Calimesa, Corona, Hemet, Lake Elsinore, Moreno Valley, Riverside, Riverside County, Temecula

SAN BERNARDINO COUNTY: Apple Valley, Adelanto, Barstow, Grand Terrace, Highland, Montclair, Ontario, Rialto, Rancho Cucamonga, San Bernardino County,

VENTURA COUNTY: Port Hueneme, San Buenaventura, Simi Valley, Thousand Oaks.

TRIBAL NATIONS: Pechanga

President Burke welcomed the General Assembly and opened the business session. The meeting was called to order at 2:45 p.m. There was a quorum.

PUBLIC COMMENT PERIOD

There were no comments presented at this time.

Approval Items

I. Approval of Minutes of May 3, 2007 General Assembly

It was MOVED (Dixon), SECONDED (Sykes) and UNANIMOUSLY APPROVED.

Approval Items – Cont’d

II. Approval of ‘07-’08 General Fund (GF) Budget

The General Fund (GF) is the only financial resource for working capital, support for Regional Council (RC) and Committee meetings, RC travel, RC meeting stipends, and the Annual General Assembly and Retreat. It is adopted annually by the General Assembly upon the recommendation of the Regional Council.

The General Fund also supports our Federal and State lobbying costs, interest on our line of credit, capital acquisitions, and all legal fees, which are not otherwise allowable to be charged to grant funds by Federal and State administrative rules.

The Regional Council recommended that the General Assembly approve the 2007-2008 General Fund Budget. Motion to approve the 2007-08 General Fund Budget was MOVED (Bone). Motion was SECONDED (Dixon).

Vote by Counties

There were 4 AYES and 0 NOES.

Vote by Cities

There were 56 AYES and 0 NOES.

The motion passed UNANIMOUSLY.

III. SCAG Bylaws Amendment

Three Proposed amendments were submitted to the General Assembly for consideration.

Proposed Amendment #1

The Regional Council reviewed and recommended General Assembly approval of the following recommendations regarding the monthly meeting day schedule: 1) The Administration Committee would meet 8:30 a.m. to 9:00 a.m.; 2) Policy Committees (TCC, CEHD and EEC) would meet 9:00 a.m. to 11:30 a.m.; and 3) the Regional Council would meet 11:45 a.m. to 1:15 p.m. The Regional Council also recommended that the Executive Committee meet prior to the Regional Council at a time to be determined at the committee’s discretion.

Vote by Counties - There were 4 AYES and 0 NOES.

Vote by Cities - There were 54 AYES and 0 NOES.

The motion passed UNANIMOUSLY.

Proposed Amendment #2

Several Regional Council Members submitted to SCAG a proposed resolution seeking to prohibit SCAG from employing former Regional Council members. The Regional Council reviewed the resolution and recommended forwarding to the General Assembly, with a recommendation that the resolution be approved to establish in the Bylaws a *one year* prohibition from hiring current or former Regional Council members.

Vote by Counties - There were 4 AYES and 0 NOES.

Vote by Cities - There were 54 AYES and 0 NOES.

The motion passed UNANIMOUSLY.

Proposed Amendment #3

The Regional Council considered and approved proposed amendments to the current SCAG Bylaws which would move specified Regional Council procedures from the Bylaws to a separate Regional Council Policy Manual (Policy Manual). The proposed Bylaws Amendments are intended to provide the Regional Council greater flexibility to make future changes to its operational procedures via Policy Manual amendments.

Procedures in the following areas were considered and proposed to be moved from the Bylaws to the SCAG Policy Manual: 1) District representative election procedures; 2) Regional Council meetings; 3) Expenses; 4) Administration and Policy Committees' officer elections and meeting procedures; and 5) Executive Committee meetings.

The Regional Council recommended that the General Assembly approve the amendments to the SCAG Bylaws. Motion to approve the amendments was MOVED (Dixon). Motion was SECONDED (Roberts).

Vote by Counties - There were 4 AYES and 0 NOES.

Vote by Cities - There were 54 AYES and 0 NOES.

The motion passed UNANIMOUSLY.

IV. Announcement of 2007 Officers

President Burke announced the 2007 SCAG Officers. They are: Supervisor Gary Ovitt as President; Councilmember Richard Dixon, 1st Vice President; and Councilmember Harry Baldwin as 2nd Vice President.

V. Adjournment

There being no further business the meeting was adjourned at 3:25 p.m.

REPORT

DATE: May 8, 2008
TO: The General Assembly
FROM: Wayne Moore, Chief Financial Officer (213) 236-1804 Moore@scag.ca.gov
SUBJECT: FY 08-09 General Fund Budget

EXECUTIVE DIRECTOR'S APPROVAL:



RECOMMENDED ACTION:

Adopt the FY08-09 General Fund Budget

SUMMARY:

The General Fund (GF) is the designated financial resource for working capital, support for your Regional Council (RC) and Committee meetings, RC travel, RC meeting stipends, and the Annual General Assembly and Retreat. It is adopted annually by the General Assembly upon the recommendation of the Regional Council. The FY08-09 General Fund budget was presented to the Regional Council at the April, 2008 meeting.

BACKGROUND:

In addition to the items noted above, the General Fund supports our Federal and State lobbying costs and all legal fees, which are not otherwise allowable to be charged to grant funds by Federal and State administrative rules.

The proposed GF revenue budget of \$1,682,195 is 8% higher than the FY07-08 budget. The increase is due to the increased contribution to reserves (\$575,436 in FY09 vs. \$330,000 in FY08). There were notable reductions resulting from the elimination of all funding for sponsorships (\$116,500) and SCAG memberships (\$33,000). These will be reviewed on a case-by-case basis during the year.


The proposed member dues assessment is \$1,590,195 compared to \$1,483,845 in FY 07-08. Annual dues are calculated using this year's base and adjusting them by 4.16% consistent with the change in the consumer price index (CPI). The provision to adjust member dues annually by the change in the CPI was approved by the RC and General Assembly in 2001. Attachments are included that show each jurisdictions current and proposed dues.

REPORT

FISCAL IMPACT:

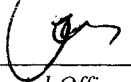
Overall dues assessed to members will increase by 7.2% although individual jurisdictions may receive higher or lower increases due to levels of population growth. The larger than usual increase resulted from including new members in the base (e.g., SANBAG's and several cities shown on assessment schedule), and RCTC's increase in population. The overall General Fund expenditures will increase by \$125,041.

Reviewed by:



Division Manager

Reviewed by:

 FOR WAYNE MOORE

Chief Financial Officer

Attachments Follow

**Proposed FY 08-09 General Fund Budget
Approved by the Regional Council, April, 2008**

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS
GENERAL FUND BUDGET - PROPOSED
FY09

	APPROVED BUDGET FY08	PROPOSED BUDGET FY09	INCREASE (DECREASE) FY09 vs FY08
REVENUE:			
Membership Dues:			
Counties	\$ 269,182	\$ 291,923	\$ 22,741
Cities	\$ 1,164,663	\$ 1,213,272	\$ 48,609
Commissions	\$ 50,000	\$ 85,000	\$ 35,000
Sub-total	\$ 1,483,845	\$ 1,590,195	\$ 106,350
Interest & Other Income	\$ 73,309	\$ 92,000	\$ 18,691
Sub-total	\$ 73,309	\$ 92,000	\$ 18,691
Total Revenues	\$ 1,557,154	\$ 1,682,195	\$ 125,041
EXPENDITURES:			
Regional Council:			
Stipends	\$ 130,000	\$ 130,000	\$ -
Committee Meetings	\$ 22,000	\$ 22,000	\$ -
Travel	\$ 15,000	\$ 15,000	\$ -
Retreat	\$ 25,000	\$ 25,000	\$ -
General Assembly	\$ 25,000	\$ 25,000	\$ -
Travel Registration	\$ 5,000	\$ 7,000	\$ 2,000
NARC Officer Expenses	\$ 3,500	\$ -	\$ (3,500)
Training	\$ 50,000	\$ 50,000	\$ -
RC Approved Costs	\$ 18,000	\$ 18,000	\$ -
Sub-total	\$ 293,500	\$ 292,000	\$ (1,500)
External Legislative:			
Federal Lobbyist	\$ 220,000	\$ 220,000	\$ -
State Lobbyist	\$ 100,000	\$ 100,000	\$ -
Sub-total	\$ 320,000	\$ 320,000	\$ -
Legal Fees	\$ 200,000	\$ 150,000	\$ (50,000)
SCAG Memberships	\$ 33,000	\$ -	\$ (33,000)
Fees paid to Caltrans	\$ 1,000	\$ 1,500	\$ 500
Other Meeting Expense	\$ 60,000	\$ 25,000	\$ (35,000)
Miscellaneous Other	\$ 49,800	\$ 150,000	\$ 100,200
Reserve	\$ 330,000	\$ 575,436	\$ 245,436
Printing	\$ 7,500	\$ 4,000	\$ (3,500)
Travel	\$ 46,000	\$ 51,000	\$ 5,000
Bank Fees	\$ -	\$ 6,500	\$ 6,500
Sponsorships	\$ 116,500	\$ -	\$ (116,500)
Staff Time	\$ 99,854	\$ 106,759	\$ 6,905
Sub-total	\$ 943,654	\$ 1,070,195	\$ 126,541
Total Expenditures	\$ 1,557,154	\$ 1,682,195	\$ 125,041

Proposed FY 08-09 Dues

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS			
MEMBERSHIP DUES PAYMENT SCHEDULE			
FOR THE FISCAL YEAR 2008 - 09			
as of April 08, 2008			
	UNINC POP	DUES	
	COUNTIES/TOTAL	ASSESSMENT	
	POP CITIES (1)	2008-09	REMARKS
COUNTIES (6)			
IMPERIAL	39,059	\$ 6,525	
LOS ANGELES	1,092,001	\$ 119,383	
ORANGE	118,136	\$ 34,126	
RIVERSIDE	538,288	\$ 66,593	
SAN BERNARDINO	295,978	\$ 47,867	
VENTURA	96,102	\$ 17,429	
SUB-TOTAL	2,179,564	\$ 291,923	
CITIES & TRIBES (166)			
ADELANTO	0	\$ -	no longer a member
AGOURA HILLS	23,340	\$ 2,052	
ALHAMBRA	90,561	\$ 7,496	
ALISO VIEJO	0	\$ -	non-member
ANAHEIM	345,556	\$ 27,457	
APPLE VALLEY	70,297	\$ 5,931	
ARCADIA	56,556	\$ 4,866	
ARTESIA	17,589	\$ 1,604	
AVALON	3,521	\$ 376	
AZUSA	48,640	\$ 4,261	
BALDWIN PARK	81,226	\$ 6,772	
BANNING	28,272	\$ 2,683	
BARSTOW	23,943	\$ 2,104	
BEAUMONT	28,250	\$ 2,683	
BELL	38,982	\$ 3,512	
BELLFLOWER	77,513	\$ 6,497	
BELL GARDENS	46,760	\$ 4,116	
BEVERLY HILLS	36,084	\$ 3,288	
BIG BEAR LAKE	6,207	\$ 574	
BLYTHE	22,625	\$ 1,999	
BRADBURY	951	\$ 179	
BRAWLEY	25,694	\$ 2,485	
BREA	39,870	\$ 3,577	
BUENA PARK	82,452	\$ 6,878	
BURBANK	107,921	\$ 9,087	
CALABASAS	23,652	\$ 2,078	
CALEXICO	37,552	\$ 3,406	
CALIMESA	7,434	\$ 679	
CALIPATRIA	7,904	\$ 705	
CAMARILLO	65,601	\$ 5,576	
CANYON LAKE	10,969	\$ 1,092	
CARSON	98,329	\$ 8,101	
CATHEDRAL CITY	52,115	\$ 4,524	
CERRITOS	55,074	\$ 4,761	
CHINO	81,224	\$ 6,772	
CHINO HILLS	78,668	\$ 6,576	New member
CLAREMONT	37,141	\$ 3,366	

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS			
MEMBERSHIP DUES PAYMENT SCHEDULE			
FOR THE FISCAL YEAR 2008 - 09			
as of April 08, 2008			
	UNINC POP	DUES	
	COUNTIES/TOTAL	ASSESSMENT	
	POP CITIES (1)	2008-09	REMARKS
COACHELLA	38,486	\$ 3,472	
COLTON	51,797	\$ 4,498	
COMMERCE	13,504	\$ 1,288	
COMPTON	99,451	\$ 8,180	
CORONA	146,164	\$ 12,046	
COSTA MESA	113,805	\$ 9,548	New Member
COVINA	49,720	\$ 4,340	
CUDAHY	25,870	\$ 2,499	
CULVER CITY	40,870	\$ 3,656	
CYPRESS	49,284	\$ 4,313	
DANA POINT	36,946	\$ 3,353	New Member
DESERT HOT SPRINGS	23,544	\$ 2,065	
DIAMOND BAR	60,207	\$ 5,155	
DOWNEY	113,607	\$ 9,535	
DUARTE	23,121	\$ 2,039	
EL CENTRO	42,071	\$ 3,748	
EL MONTE	126,282	\$ 10,507	
EL SEGUNDO	17,076	\$ 1,565	
FILLMORE	15,247	\$ 1,434	
FONTANA	181,640	\$ 14,781	
FOUNTAIN VALLEY	0	\$ -	non-member
FULLERTON	137,367	\$ 11,362	
GARDEN GROVE	0	\$ -	non-member
GARDENA	61,947	\$ 5,287	
GLENDALE	207,157	\$ 16,753	
GLENDORA	52,557	\$ 4,563	
GRAND TERRACE	12,392	\$ 1,210	
HAWAIIAN GARDENS	15,922	\$ 1,486	
HAWTHORNE	89,080	\$ 7,377	
HEMET	71,705	\$ 6,036	
HERMOSA BEACH	19,608	\$ 1,762	
HESPERIA	0	\$ -	non-member
HIDDEN HILLS	2,040	\$ 258	
HIGHLAND	52,186	\$ 4,537	
HOLTVILLE	6,299	\$ 587	
HUNTINGTON BEACH	202,250	\$ 16,385	
HUNTINGTON PARK	0	\$ -	non-member
IMPERIAL	11,852	\$ 1,170	
INDIAN WELLS	4,942	\$ 481	
INDIO	77,146	\$ 6,457	
INDUSTRY	804	\$ 166	
INGLEWOOD	119,212	\$ 9,968	
IRVINE	202,079	\$ 16,372	
IRWINDALE	1,655	\$ 231	
LA CANADA FLINTRIDGE	21,608	\$ 1,920	
LA HABRA	0	\$ -	non-member
LA HABRA HEIGHTS	6,193	\$ 574	
LA MIRADA	50,477	\$ 4,406	
LA PALMA	16,162	\$ 1,499	
LA PUENTE	0	\$ -	non-member
LA QUINTA	41,092	\$ 3,669	

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS			
MEMBERSHIP DUES PAYMENT SCHEDULE			
FOR THE FISCAL YEAR 2008 - 09			
as of April 08, 2008			
		DUES	
	UNINC POP	ASSESSMENT	
	COUNTIES/TOTAL	2008-09	REMARKS
	POP CITIES (1)		
LA VERNE	33,480	\$ 3,090	
LAGUNA BEACH	25,131	\$ 2,446	
LAGUNA HILLS	0	\$ -	non-member
LAGUNA NIGUEL	66,608	\$ 5,642	
LAGUNA WOODS	18,426	\$ 1,671	
LAKE ELSINORE	47,634	\$ 4,182	
LAKE FOREST	78,243	\$ 6,549	
LAKEWOOD	83,674	\$ 6,970	
LANCASTER	143,818	\$ 11,862	
LAWNDALE	33,572	\$ 3,090	
LOMA LINDA	22,451	\$ 1,986	
LOMITA	21,153	\$ 1,880	
LONG BEACH	492,912	\$ 38,845	
LOS ALAMITOS	12,146	\$ 1,184	
LOS ANGELES	4,018,080	\$ 301,036	
LYNWOOD	73,212	\$ 6,154	
MALIBU	13,748	\$ 1,315	
MANHATTAN BEACH	36,843	\$ 3,353	
MAYWOOD	29,957	\$ 2,815	
MISSION VIEJO	98,943	\$ 8,140	New member
MONROVIA	39,309	\$ 3,538	
MONTCLAIR	36,622	\$ 3,327	
MONTEBELLO	65,686	\$ 5,576	
MONTEREY PARK	64,614	\$ 5,497	
MOORPARK	36,150	\$ 3,288	
MORENO VALLEY	180,466	\$ 14,702	
MURRIETA	97,257	\$ 8,021	
NEEDLES	5,759	\$ 547	
NEWPORT BEACH	84,218	\$ 7,009	
NORCO	27,361	\$ 2,617	
NORWALK	110,178	\$ 9,258	
OJAI	8,156	\$ 731	
ONTARIO	172,701	\$ 14,097	
ORANGE	0	\$ -	non-member
OXNARD	192,997	\$ 15,662	
PALM DESERT	49,752	\$ 4,340	
PALM SPRINGS	46,858	\$ 4,116	
PALMDALE	145,468	\$ 11,994	
PALOS VERDES ESTATES	0	\$ -	non-member
PARAMOUNT	58,109	\$ 4,985	
PASADENA	147,262	\$ 12,125	
PERRIS	50,663	\$ 4,419	
PICO RIVERA	67,288	\$ 5,694	
PLACENTIA	51,597	\$ 4,484	
POMONA	162,140	\$ 13,282	
PORT HUENEME	22,445	\$ 1,986	
RANCHO CUCAMONGA	172,331	\$ 14,070	
RANCHO MIRAGE	16,944	\$ 1,565	
RANCHO PALOS VERDES	43,525	\$ 3,866	
RANCHO STA MARGARITA	0	\$ -	non-member
REDLANDS	71,375	\$ 6,010	

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS			
MEMBERSHIP DUES PAYMENT SCHEDULE			
FOR THE FISCAL YEAR 2008 - 09			
as of April 08, 2008			
	UNINC POP	DUES	
	COUNTIES/TOTAL	ASSESSMENT	
	POP CITIES (1)	2008-09	REMARKS
REDONDO BEACH	67,495	\$ 5,720	
RIALTO	99,242	\$ 8,166	
RIVERSIDE	291,398	\$ 23,262	
ROLLING HILLS	1,983	\$ 258	
ROLLING HILLS ESTATES	8,191	\$ 731	
ROSEMEAD	57,427	\$ 4,931	
SAN BERNARDINO	205,010	\$ 16,596	
SAN BUENAVENTURA	107,490	\$ 9,061	
SAN CLEMENTE	67,373	\$ 5,707	
SAN DIMAS	37,011	\$ 3,353	
SAN FERNANDO	25,145	\$ 2,446	
SAN GABRIEL	42,691	\$ 3,801	
SAN JACINTO	34,345	\$ 3,157	
SAN JUAN CAPISTRANO	0	\$ -	non-member
SAN MARINO	13,673	\$ 1,302	
SANTA ANA	0	\$ -	non-member
SANTA CLARITA	177,158	\$ 14,439	
SANTA FE SPRINGS	17,997	\$ 1,644	
SANTA MONICA	91,495	\$ 7,575	
SANTA PAULA	29,303	\$ 2,761	
SEAL BEACH	25,962	\$ 2,512	
SIERRA MADRE	11,146	\$ 1,105	
SIGNAL HILL	11,229	\$ 1,118	
SIMI VALLEY	124,524	\$ 10,375	
SOUTH EL MONTE	22,464	\$ 1,986	
SOUTH GATE	0	\$ -	non-member
SOUTH PASADENA	25,824	\$ 2,499	
STANTON	0	\$ -	non-member
TEMECULA	97,935	\$ 8,075	
TEMPLE CITY	0	\$ -	non-member
THOUSAND OAKS	127,739	\$ 10,625	
TORRANCE	148,558	\$ 12,229	
TUSTIN	72,542	\$ 6,102	
TWENTYNINE PALMS	0	\$ -	non-member
UPLAND	75,169	\$ 6,312	
VERNON	96	\$ 113	
VICTORVILLE	102,538	\$ 8,680	
VILLA PARK	0	\$ -	non-member
WALNUT	32,297	\$ 2,998	
WEST COVINA	112,953	\$ 9,481	
WEST HOLLYWOOD	38,036	\$ 3,446	
WESTLAKE VILLAGE	8,905	\$ 784	
WESTMINSTER	92,870	\$ 7,679	
WESTMORELAND	2,444	\$ 285	
WHITTIER	0	\$ -	non-member
YORBA LINDA	67,904	\$ 5,747	
YUCCA VALLEY	21,044	\$ 1,880	
YUCAIPA	51,784	\$ 4,498	
PECHANGA BAND OF LUISENO INDIAN	800	\$ 166	

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS			
MEMBERSHIP DUES PAYMENT SCHEDULE			
FOR THE FISCAL YEAR 2008 - 09			
as of April 08, 2008			
	UNINC POP	DUES	
	COUNTIES/TOTAL	ASSESSMENT	
	POP CITIES (1)	2008-09	REMARKS
SUB-TOTAL	14,837,349	\$ 1,213,272	
GRAND TOTAL	17,016,913	\$ 1,505,195	
ADD: COMMISSIONS			
SANBAG-New	2,028,013	\$ 25,000	
RCTC	2,031,625	\$ 25,000	
VCTC	825,512	\$ 10,000	
OCTA	3,098,121	\$ 25,000	
SUB-TOTAL		\$ 85,000	
ADJUSTED GRAND TOTAL		\$ 1,590,195	
167 cities are members out of 187 possible plus 1 tribal government			

REPORT

DATE: May 8, 2008
TO: General Assembly
FROM: Regional Council
BY: Hasan Ikhata, Executive Director, 213-236-1808, ikhata@scag.ca.gov
SUBJECT: Proposed Bylaws Amendments

EXECUTIVE DIRECTOR'S APPROVAL:

Joe Burton for Hasan Ikhata

RECOMMENDED ACTION:

The Regional Council recommends that the General Assembly approve proposed amendments to the SCAG Bylaws as reflected in Attachment "B" of this report. These Bylaws Amendments were initiated and originally proposed by the Force For Change Committee and the Investments Subcommittee, and information regarding these proposals are detailed below.

BACKGROUND:

In preparation for this year's General Assembly meeting, the Force For Change Committee and the Investments Subcommittee met earlier in the year to discuss various proposed amendments to SCAG's current Bylaws. SCAG's Bylaws and Resolutions Subcommittee ("Bylaws Subcommittee" herein), a subcommittee of the Regional Council tasked with reviewing any proposed changes to the SCAG Bylaws, thereafter met on March 4, 2008 to discuss the proposed amendments, and a summary of the respective actions taken by the Bylaws Subcommittee and the Regional Council, are discussed below.

I. Information regarding Force For Change Committee's Proposed Bylaws Amendments

The Force For Change Committee ("FFC Committee") was an ad-hoc committee, established last year by SCAG President Gary Ovitt as part of last year's Regional Council Retreat. The FFC Committee comprised approximately 15 Regional Council members, noted as follows: Hon. John Beauman, Brea; Hon. Stan Carroll, La Habra Heights; Hon. Debbie Cook, Huntington Beach; Hon. Richard Dixon, Lake Forest; Hon. Jon Edney, El Centro; Hon. Bonnie Flickinger, Moreno Valley; Hon. Lee Ann Garcia, Grand Terrace; Hon. Paul Glaab, Laguna Niguel; Hon. Keith Hanks, Azusa; Hon. Barbara Messina, Alhambra; Hon. Larry McCallon, Highland; Hon. Carl Morehouse, San Buenaventura; Hon. Paul Nowatka, Torrance; Hon. Pam O'Connor, Santa Monica; Hon. Alan Wapner, Ontario; and Hon. Gary Ovitt, County of San Bernardino. SCAG Second Vice-President Harry Baldwin also participated in the Force For Change meetings.

The goal of the Force For Change Committee was to come together to develop ideas for improving the effectiveness of the agency and creating overall positive change. As part of its meetings, the FFC Committee considered certain key areas upon which SCAG can improve. Such areas included: (1) ensuring that the policy direction for SCAG is initiated and provided by SCAG's Regional Council and Policy Committees; (2) providing the Regional Council and Policy Committees with more time to study issues so

REPORT

as to facilitate more informed decision-making; (3) improving and strengthening ties with other agencies within the SCAG region; and (4) improving the position of the SCAG President so that it is viewed as a desirable office.

During the course of several months, the FFC Committee discussed these matters in-depth, the result of which led to proposing changes to the SCAG Bylaws. The FFC Committee finalized its changes to the SCAG Bylaws in a meeting held on February 29, 2008. The FFC Committee's proposed changes to the SCAG Bylaws are included with this report as Attachment "A." The substance of these proposed Bylaws changes from the FFC Committee can be summarized as follows:

- Strengthening ties with other agencies, by adding to the membership of the Regional Council one (1) representative to represent all five (5) air districts within the SCAG region (*See Attachment "A," Article V, Section A(1), p. 5 of the attached Bylaws*), and adding six additional members to the Executive Committee comprised of representatives from the governing boards of the County Transportation Commissions, the Imperial Valley Council of Governments or subregional organizations (*See Attachment "A," Article V, Section D(1), p. 14 of the attached Bylaws*);
- Improving SCAG policy development and direction as well as internal efficiency by strengthening the role of SCAG's Executive Committee and having it assume the current functions of the Administration Committee (*See Attachment "A," Article V, Section D(3), p. 15 of the attached Bylaws*); and
- Improving the decision-making process of the Regional Council by providing more time for elected officials to study matters and having the Executive Committee and Policy Committee meet every month, and the Regional Council meet on odd-numbered months (*See Attachment "A," Article V, Section A(3), p. 9, Article V, Section B(1), page 12 and Article V, Section D(1), p. 14 of the attached Bylaws*).

A. Recommendation by the Bylaws Subcommittee regarding FFC Proposal

As previously noted, the Bylaws Subcommittee met on March 4, 2008 to review the Bylaws Amendments submitted by the FFC Committee (hereinafter referred to as "FFC Proposal"). After much discussion, the Bylaws Subcommittee recommended approval of some of the FFC Proposal, but also recommended amendments to other parts of the FFC Proposal. Specifically, the Bylaws Subcommittee rejected the proposal that the Regional Council meet on odd-numbered months, and also recommended that the Administration Committee assume the current functions of the Executive Committee (instead of the Executive Committee assuming the functions of the Administration Committee). The Bylaws Subcommittee recommended approval of the rest of the FFC Proposal.

On March 6, 2008, the Regional Council considered the FFC Proposal as well as the Bylaws Subcommittee's recommendations regarding the FFC Proposal. After a lengthy discussion, the Regional Council concurred in large part with the recommendations of the Bylaws Subcommittee. For ease of reference, attached with this report is a table (see Attachment "C") which summarizes the Regional Council's recommendations regarding the FFC Proposal. The SCAG Bylaws have been revised based upon the Regional Council's recommendations to the FFC Proposal, and such changes are reflected in

REPORT

Attachment “B” of this report. The Regional Council recommends, therefore, that the General Assembly approve the changes to the SCAG Bylaws as set forth in Attachment “B.”

II. Information regarding Investment Subcommittee’s Proposed Bylaws Amendments

SCAG’s Joint Powers Agreement limits SCAG’s investment opportunities to the Los Angeles County Investment Pool, which has on occasion posed hardships upon SCAG. The Investment Subcommittee, a subcommittee of SCAG’s Administration Committee has been studying the matter and recommended on February 25, 2008, that the SCAG Bylaws be amended to specify additional options for the deposit and investment of SCAG funds and those authorized to access the same. Consequently, the Investment Subcommittee proposed that the Bylaws be amended to add the following a new section H entitled “Depositories and Investments,” as part of Article VII (Finances):

“H. Depositories and Investments

In addition to the depository and the disbursing officer as specified in Section 7 of the Joint Powers Agreement, the Regional Council may authorize additional depositories and those authorized to disburse the Association’s funds, and may specify the terms and conditions pertaining thereto.”

The Bylaws Subcommittee reviewed the Investment Subcommittee’s proposal on March 4, 2008. In addition, the Administration Committee and the Regional Council considered the proposal on March 6, 2008. All three bodies unanimously recommended approval of the proposed change to the Bylaws. This change to the Bylaws is also reflected in Attachment “B” of this report.

Therefore, the Regional Council recommends that the General Assembly approve all of the changes to the SCAG Bylaws as set forth in Attachment “B,” which denotes the Regional Council’s recommendations to both the FFC Proposal and the Investment Subcommittee’s proposal relating to amendments to SCAG’s current Bylaws.

FISCAL IMPACT:

The fiscal impact of implementing these proposed Bylaws Amendments are nominal.

Attachments:

- A. Proposed Bylaws Amendments submitted by Force For Change Committee;**
- B. Recommended Bylaws Amendments from Regional Council (which reflects both FFC Proposal and Investment Subcommittee’s proposal);**
- C. Table outlining FFC Proposal and Regional Council’s recommendations to FFC Proposal**

PROPOSED CHANGES SUBMITTED BY
THE
FORCE FOR CHANGE COMMITTEE

Proposed Bylaws Amendments by Force For Change (FFC) Committee

Issue	FFC Proposal	Recommendations by Regional Council (recommendations made March 6, 2008)
(1) How Special Meetings of the General Assembly are called	Special Meetings for the GA may be called by the RC upon the written request of the SCAG President and approval by the RC (see p. 4 of <i>attached Bylaws</i>)	Adopt FFC Proposal regarding this issue
(2) Membership to RC	To improve relationships with other agencies, add one (1) representative to represent all five (5) air districts within SCAG to serve on the RC; representative must be a board member of one of the five air districts (see p. 5 of <i>attached Bylaws</i>)	Adopt FFC Proposal regarding this issue, except add that representative must be "an elected" board member from one of the five air districts.
(3) When the RC, Executive Committee and Policy Committees meet	In order to improve decision-making process, the RC meets every odd-numbered month and the Executive Committee and Policy Committees meet every month (see pp. 9, 12 and 14 of <i>the attached Bylaws</i>).	Not adopt FFC Proposal and keep existing language in the Bylaws as-is (i.e. unless otherwise determined by the RC, the RC meets once a month).
(4) Role of the Executive Committee	To improve efficiency, the Executive Committee would assume current functions of the Administration Committee (see p. 15 of <i>the attached Bylaws</i>)	Amend FFC Proposal so that Administration Committee assumes current functions of the Executive Committee
(5) Composition of the Executive Committee	Executive Committee (having assumed current functions of the Administration Committee) is composed of: SCAG officers (President, First V-P, Second V-P and Immediate Past President); the three (3) Policy Comm. Chairs; and six (6) additional RC members who are from governing board of either the CTCs, IVAG and subregional organizations within SCAG. President to ensure all six (6) counties are represented within the committee. One member from private sector to serve in non-voting capacity. Total of 13 voting members; quorum is seven (7) (see pp. 14 and 15 of <i>the attached Bylaws</i>)	Amend FFC Proposal so that the Administration Committee (having assumed current functions of the Executive Committee) is composed of: SCAG officers; the three (3) Policy Committee Chairs; the (3) Vice-Chairs of the Policy Committees; and three (3) additional RC members who are from governing board of either CTCs, IVAG and subregional organizations within SCAG. One member from private sector to serve in non-voting capacity. President to be chair of the Administration Committee and to ensure all 6 counties are represented within the committee. Total of 13 voting members; quorum is seven (7).
(6) Composition of the Nominating Committee	Nominating Committee composed of RC members who collectively represent six (6) counties within SCAG, with at least two(2) County representatives (see p. 15 of <i>the attached Bylaws</i>)	Amend FFC Proposal so that Nominating Committee composed of five (5) District representatives and two (2) County representatives, and collectively all six (6) counties within SCAG are represented.
(7) Nomination of officers	Regional Council may consider and approve candidates for each office nominated directly from the floor as part of RC meeting (see p. 16 of <i>the attached Bylaws</i>)	Adopt FFC Proposal regarding this issue
(8) Officers to alternate between cities and counties	Eliminate provision that "office of the Second Vice-President shall alternate to have a county representative every fourth year" (see p. 16 of <i>the attached Bylaws</i>)	Adopt FFC Proposal regarding this issue
(9) "Housekeeping" issues	To provide consistency within the Bylaws document, certain housekeeping changes are proposed. For example, the RC shall have power to "establish" (not "appoint") committees since current Bylaws provides President with authority to make	Adopt FFC Proposal regarding these issues.

BYLAWS

THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

Preamble

The Southern California Association of Governments (hereinafter referred to as either the "Association" or "SCAG") is an agency voluntarily established by its members pursuant to the Joint Exercise of Powers Act for the purpose of providing a forum for discussion, study and development of recommendations on regional problems of mutual interest and concern regarding the orderly physical development of the Southern California Region among units of local government.

Formatted: Highlight

Formatted: Highlight

Deleted: Southern California
Association of Local Governments

ARTICLE I- FUNCTIONS

The functions of the Association are:

- A. Exchange of objective planning information. Making available to members, plans and planning studies, completed or proposed by local governments, Tribal Governments, or those of State or Federal agencies, which would affect local governments.
- B. Identification and study of problems requiring objective planning by jurisdictions in more than one county in the Southern California area, and the making of appropriate policy or action recommendations.
- C. Review and/or develop governmental proposals. Review and/or develop proposals creating agencies of regional scope, and the making of appropriate policy or action recommendations concerning the need for such units or agencies.
- D. Consider questions of common interest and concern to county and city members of the Association as well as those of the Tribal Governments in the region and may develop policy and action recommendations of an advisory nature only.
- E. Act upon any matter to the extent and in the manner required, permitted or authorized by the joint powers agreements, State or Federal law, or the regulations adopted pursuant to any such law.
- F. To assist local Agency members in the acquisition of real and personal property convenient or necessary for the operation of members by entering into such financing agreements as are necessary to accomplish the pooling and common marketing of such agreements or certificates of participation in order to reduce the cost to members of the acquisition of such real or personal property.

ARTICLE II- DEFINITIONS

- A. **Association**: The Association, as used in these Bylaws, means the Southern California Association of Governments as established by these Bylaws.

- B. **General Assembly**, as used in these Bylaws, means a meeting of the official representatives of the members of the Association.
- C. **Official Representative**, as used in these Bylaws, means either the mayor or a member of the legislative body of each member city, and either the chair of the Board of Supervisors or a member of the legislative body of the member county as their official representative.
- D. **Alternate**, as used in these Bylaws, means either the mayor or a member of the legislative body of each member city, and either the chair of the Board of Supervisors or a member of the legislative body of the member county as their alternate to serve in an official capacity only in the absence of the official representative of the member county.

ARTICLE III- MEMBERSHIP AND REPRESENTATION
FOR THE GENERAL ASSEMBLY

A. **Membership**

- (1) All cities and all counties within the area of the counties of Los Angeles, Orange, Riverside, San Bernardino, Ventura and Imperial are eligible for membership in the Association.
- (2) Each member county and each member city shall have one official representative and one alternate in the General Assembly, except that the City of Los Angeles, if and while it is a member city, shall have three official representatives and three alternates.
- (3) Membership shall be contingent upon the execution of the Joint Powers Agreement and the payment by each county or city of each annual assessment. In the event a county or city has not paid the annual dues assessment by October 1 of the July 1-June 30 Fiscal Year, its General Assembly Representative(s) shall serve in an Ex-Officio status, without the right to vote. Failure to pay the annual dues assessment by January 30 of the July 1-June 30 Fiscal Year shall be deemed to be an automatic withdrawal from membership.
- (4) Any federally recognized Indian Nation within the SCAG region and Special districts which are significantly involved in regional problems or the boundaries of which include territory in more than one county, shall be eligible for advisory membership in the Association. The representatives of any such advisory member may participate in the work of committees of the Association.

B. **Representation in the General Assembly**

- (1) Only the official representative or alternates present shall represent a member in the General Assembly, provided, however, that a member of

Formatted: Highlight

Deleted: j

the Board of Supervisors of a member county may participate in the discussion of the General Assembly.

- (2) The official representative of each city shall be their respective Regional Council member, in the event that the City does not have a Regional Council member then the official representative or alternate for such city shall be designated by the city council, provided that if and while the City of Los Angeles is a member city, the mayor shall be one of its official representatives
- (3) Names of official representatives and alternates shall be communicated in writing to the Association by the appointing city or county 45 days before the annual meeting of the General Assembly.
- (4) Official representatives or alternates shall serve at the General Assembly until a successor is appointed, except if an official representative or alternate ceases to be a member of the legislative body or mayor of the city or county appointing then the seat shall be vacant until a successor is appointed.

ARTICLE IV- GENERAL ASSEMBLY

A. Powers and Functions

Subject to Article I, the powers of the General Assembly, shall include:

- (1) The determination of policy matters for the Association.
- (2) Any official representative may, at any meeting of the General Assembly, propose a subject(s) for study by the Association provided that the representative has notified the President of the proposal forty-five days in advance of the meeting date of the General Assembly. The General Assembly may determine whether a study will be made of the subject(s) proposed, or may refer such subject(s) to the Regional Council.
- (3) Any official representative may, at any meeting of the General Assembly, request review by the General Assembly of any action of the Regional Council, which has been taken between meetings of the General Assembly.
- (4) At its annual meeting, the General Assembly shall review the proposed budget and assessment schedule and shall adopt an annual budget and an assessment schedule.
- (5) Any official representative who desires to propose any policy matter for determination by the General Assembly shall submit the matter to the Regional Council in the form of a proposed resolution at least forty-five (45) days prior to any regular meeting of the General Assembly. The

President shall recommend and the Regional Council shall appoint a Resolutions Committee to consider each such resolution and submit its recommendation for action to the General Assembly. A copy of each such proposed resolution together with the Resolutions Committee's recommendations thereon, shall be included in the agenda materials for each regular meeting of the General Assembly. If a resolution is presented directly to the General Assembly, a two-thirds vote of the General Assembly in compliance with the criteria of Government Code sections 54950 et seq. shall be required for its consideration.

B. Meetings

- (1) A regular meeting of the General Assembly shall be held once a year. Special meetings of the General Assembly may be called by the Regional Council upon the written request of the President and with the affirmative votes of a majority of a Regional Council quorum. Ten days' written notice of a special meeting shall be given to the official representatives and alternates of each member city and to each member of the Board of Supervisors of each member county. An agenda specifying the subject of the special meeting shall accompany the notice.
- (2) The time, date and location for meetings of the General Assembly shall be determined by the Regional Council.
- (3) Notice of the regular meeting of the General Assembly shall be given to the official representatives and alternates of each member city, and to each member of the Board of Supervisors of each member county at least 30 days prior to each meeting. An agenda for the meeting shall accompany the notice. Notice of any changes to the agenda shall be given at least 10 days prior to the meeting.
- (4) Association committees shall meet on the call of their Chair or as otherwise provided herein.
- (5) The General Assembly may adopt rules for its own procedure.

Formatted: Highlight

Deleted: upon written request of 15 member cities and 3 member counties

C. Voting in the General Assembly shall be conducted in the following manner:

- (1) A quorum of the General Assembly shall consist of official representation from one-third of the member cities and one-third of the member counties.
- (2) Each official county representative and each official city representative shall have one vote. Votes shall be tabulated separately for county representatives and for city representatives upon the request of one member or alternate of the county representatives only when one-half (1/2) of the county representatives are present or upon the request of one member or alternate of the city representatives only when one-third (1/3) of the city representatives are present. If the votes are tabulated separately,

the affirmative votes of a majority of a quorum of both city and county representatives are required. In the absence of the official representative, the alternate shall be entitled to vote.

- (3) Voting may be by voice, displaying voting cards or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

ARTICLE V- REGIONAL COUNCIL

Preamble: The Regional Council of the Association shall include members from cities and counties in the Association's region.

- A. **Regional Council Organization:** There shall be a Regional Council of the Association which shall be organized as set forth below and which shall be responsible for such functions as are hereinafter set forth:

Formatted: Highlight

- (1) **Membership:** The membership of the Regional Council shall be comprised of one (1) representative from each member county Board of Supervisors, except the County of Los Angeles which shall have two (2) representatives; one (1) representative from the Tribal Government Regional Planning Board, who shall be a locally elected Tribal Council member from a federally recognized Tribal Government within the SCAG region; one from each District (as defined below); the Mayor of the City of Los Angeles serving as the Los Angeles City At-Large Representative; one (1) general purpose local government elected official representative, defined as either an elected city council member or member of a County Board of Supervisors, from the governing boards of each of the five (5) County Transportation Commissions ("CTC"); one (1) representative from the Imperial Valley Association of Governments ("IVAG"); and one (1) representative for all five (5) air districts operating within the SCAG region.

Deleted: and

Formatted: Highlight

- (a) **Districts:** For purposes of representation on the Regional Council, Districts shall be organized and defined as follows:

- (1) A District shall be established by the Regional Council and be comprised of a group of cities that have a geographic community of interest and have approximately equal population. A District may be comprised of cities within different counties, but Districts established by subregions under subsection (a)(5) or (a)(6) shall include only cities within the boundaries of such subregions. Procedures for District Representative elections shall be set forth under the Regional Council Policy Manual ("Policy Manual").

- (2) The Regional Council shall review and if it deems necessary, establish district boundaries every five (5) years, based upon city population data as most recently available from the State Department of Finance. The Regional Council shall review the district boundaries in 2004 and thereafter in every year ending in 3 or 8.
- (3) Notwithstanding any other provisions of these Bylaws, in the event that upon review of the Districts by the Regional Council in 2004, District representation is changed, then those impacted districts shall hold a special election no later than two months after final action by the Regional Council to elect their representative who shall serve for a term established by the Regional Council. Such elections shall be held in accordance with the procedures established in Article V(a)(1)(b)(1)-(4) and (6) and with regard to subregions in accordance with Article V (a)(c)(1)(5) and (7).
- (4) If a new city within the Association's region is incorporated after Districts have been established, the newly incorporated city shall be assigned by the Regional Council in consultation with the subregion, to a District with other cities with which it has contiguous borders until such time as Districts are again established by the Regional Council.
- (5) In any area where a subregional organization has been formally established under a joint powers agreement pursuant to California Government Code Sections 6500 et. seq. for general planning purposes such as for the purpose of: conducting studies and projects designed to improve and coordinate the common governmental responsibilities and services on an area-wide and regional basis, exploring areas of intergovernmental cooperation and coordination of governmental programs and providing recommendations and solutions to problems of common and general concern through the establishment of an association of governments, and where such subregional organization serves as the subregional planning agency for the general purpose local governments and is not a single-purpose joint powers authority and or other such special district entity, the applicable subregional organization shall make recommendations to establish a District (or Districts) within the boundaries of such subregional area. For purposes of establishing Districts, the subregional organization shall use the definition of District as set forth

in subsection (1) above. The subregional organization shall have authority to make recommendations to the Regional Council to establish Districts every five (5) years and shall use city populations as most recently determined by the State Department of Finance. If a new city within the subregional area is incorporated after Districts have been established, the newly incorporated city shall be assigned to a District in accordance with Article V (A)(1)(a)(4) until such time as Districts are again established as provided for in this section.

Deleted:)

- (6) In any area where a subregional organization has been recognized by action of the Regional Council as a participant in the Regional Comprehensive Plan planning process and is organized for general planning purposes of such as for the purpose of: conducting studies and projects designed to improve and coordinate the common governmental responsibilities and services on an area-wide and regional basis, exploring areas of intergovernmental cooperation and coordination of governmental programs and providing recommendations and solutions to problems of common and general concern, the applicable subregional organization shall make recommendations to establish a District (or Districts) within the boundaries of such subregional area. The subregional organization shall use the definition of District as set forth in subsection (1) above. The subregional organization shall have authority to make recommendations to the Regional Council every five (5) years and shall use city populations as most recently determined by the State Department of Finance. If a new city within the subregional area is incorporated after Districts have been established, the newly incorporated city shall be assigned to a District in accordance with Article V(A)(1)(a)(3) until such time as Districts are again established as provided for in this section.
- (7) The Regional Council shall establish a maximum of sixty-seven (67) districts.

(b) **Regional Council Representation**

- (1) There shall be a minimum of one (1) District representative for all of the cities within each county in the Association.
- (2) Any Regional Council member representing a member city in a single City District or county which has not yet paid its annual dues assessment by October 1 of the July 1 - June

30 Fiscal Year shall be granted Ex-Officio member status, without the right to vote, on the Regional Council.

- (3) Any Regional Council member from a member city which has not paid its annual dues assessment by October 1 of the July 1-June 30 Fiscal Year, and who represents a District comprised of more than one city, shall relinquish his/her position on the Regional Council and the seat shall be declared vacant by the President. Such vacancies shall be filled through the District representative special election procedures set forth by the Regional Council.
- (4) Any Regional Council member from a Native American Tribe which has not paid its annual dues assessment by October 1 of the July 1-June 30 Fiscal Year, and who represents the Tribal Government Regional Planning Board, shall relinquish his/her position on the Regional Council and the seat shall be declared vacant by the President. Such vacancies shall be filled by the Tribal Government Regional Planning Board.
- (5) CTC, IVAG and the Tribal Government Regional Planning Board representatives to the Regional Council shall be appointed by their respective governing boards, and the appointments shall be formally communicated in writing to the President.
- (6) Any Regional Council member representing a CTC or the IVAG which has not paid its annual dues assessment within three (3) months of the July 1-June 30 fiscal year shall be granted Ex-Officio status without the right to vote, on the Regional Council.

(2) **Terms of Office:**

- (a) Membership on the Regional Council shall be for two (2) years upon election. Terms shall commence on adjournment of the annual meeting of the General Assembly, or in the case of those representatives elected pursuant to special elections to fill vacancies, for such time as will fill out the remainder of the vacated term. If a representative serving on the Regional Council ceases to be an elected official from a member city, county or ceases to be a locally elected tribal council member, his/her Regional Council seat shall be declared vacant by the President as of the time such representative ceases to be an elected official. Vacancies on the Regional Council shall be filled through the special election procedures as set forth by the Regional Council or

in the case of a locally elected tribal council member, shall be filled by the Tribal Government Regional Planning Board.

- (b) The terms of District representatives who represent even-numbered Districts shall be two years and shall expire in even-numbered years. Terms of District representatives who represent odd-numbered Districts shall be two years and shall expire in odd-numbered years. The term of the representative from the Tribal Government Regional Planning Board shall be two years and shall expire in even-numbered years.
- (c) The CTC and IVAG representatives to the Regional Council shall be appointed to two (2) year terms.
- (3) **Meetings**: Unless otherwise determined by the Regional Council, it shall meet at least once ~~every odd-numbered month~~. The date, time and location of the Regional Council meetings shall be recommended by the President and ratified by the Regional Council. Meetings shall be held upon the call of the President or upon the call of a majority of the members of the Regional Council. The Regional Council may adopt any other meeting procedures as part of the Policy Manual.

Formatted: Highlight

Deleted: a

(4) **Duties**

- (a) Subject to the policy established by the General Assembly, the Regional Council shall conduct the affairs of the Association.
- (b) The Regional Council shall review and may amend the proposed annual budget as prepared by the Executive Director. ~~The~~ proposed budget and the assessment schedule as approved by the Regional Council, shall be submitted to members of the General Assembly at least thirty (30) days before the annual meeting. After adoption of the annual budget assessment schedule by the General Assembly, the Regional Council shall control all Association expenditures in accordance with such budget
 - (1) The Regional Council shall have the power to transfer funds within the total budget amount in order to meet unanticipated needs or changed situations. Such action shall be reported to the General Assembly at its next regular meeting.
 - (2) At each annual meeting of the General Assembly, the Regional Council shall report on all budget and financial transactions since the previous annual meeting.
- (c) The Regional Council shall submit a full report of its activities at each regular meeting of the General Assembly.

Deleted: Each

Formatted: Highlight

- (d) The Regional Council shall have the authority to appoint, fix the salary of, ratify the performance evaluation of and remove an Executive Director of the Association, and shall have the authority to create and discontinue positions in the employ of the Association and fix salaries.
 - (e) The Regional Council shall have the power to establish committees to study specific problems, programs, and other matters which the Regional Council or General Assembly have approved for study.
 - (f) Recommendations from committees for policy decisions shall be made to the Regional Council. The Regional Council shall have the authority to act upon policy recommendations including policy recommendations from the committees, or it may submit such recommendations, together with its comments, to the General Assembly for action.
 - (g) The Regional Council shall be responsible for carrying out policy decisions made by the General Assembly.
 - (h) All Regional Council members shall comply with the SCAG Conflict of Interest Policy as adopted and amended from time to time by the Regional Council.
- (5) **Voting:** In the Regional Council voting shall be conducted in the following manner:
- (a) Only representatives of the membership as defined in Article V (A) (1) shall have the right to vote as a member of the Regional Council.
 - (b) One-third (1/3) of the members of the Regional Council shall constitute a quorum of the Regional Council.
 - (c) The affirmative votes of a majority of the Regional Council quorum are required for action by the Regional Council, except as set forth in subsections (d), (e) and (f) below.
 - (d) A County representative may request a “division of the house” vote if two thirds (2/3) of the county representatives are present. A District representative may request a “division of the house” vote if one-third of the District representatives are present. A “division of the house” vote, shall be tabulated separately for county representatives and for District representatives and the affirmative votes of a majority of county representatives present and a majority of District representatives present shall be required for action by the Regional Council. For purposes of the division of the house,

Deleted: appoint

Formatted: Highlight

Deleted:

the representative of the Tribal Government Regional Planning Board shall be considered to be a District representative.

Pursuant to any "division of the house" vote any city which has more than one District representative may have its District representative(s) vote on behalf of any District representative(s) not in attendance so long as that city's city council has previously taken an official action authorizing the express voting of the city's position on the specified matter. Notwithstanding the above, any votes to be exercised pursuant to this subsection shall not be exercised prior to the holding of the next Regional Council meeting subsequent to the meeting at which the applicable "division of the house" vote has been called for. All authorizations for voting pursuant to this subsection shall be in writing and shall be made available to the Regional Council at the time of the subject vote.

- (e) In order to recommend the annual budget to the General Assembly, the affirmative vote of not less than a majority of the Regional Council membership is required.
 - (f) In order to appoint or remove the Executive Director, the affirmative vote of not less than a majority of the Regional Council membership is required.
 - (g) Each official representative from the CTC, IVAG and the Tribal Government Regional Planning Board shall have the right to vote in the same manner as other members of the Regional Council.
 - (h) Notwithstanding the provisions of (1) above, the representatives from the CTC and the IVAG shall not be entitled to request a "division of the house" vote, shall not be included in the tabulation of the number of county representatives required to request a "division of the house" vote and shall not be entitled to vote on a matter considered as a result of a "division of the house."
- (6) **Expenses:** Members of the Regional Council shall serve with compensation and shall be reimbursed for the actual necessary expenses incurred by them in the performance of their duties for the Association, to the extent that such compensation and reimbursement are not otherwise provided to them by another public agency, a Tribal Government or the Tribal Government Regional Planning Board. The Regional Council shall determine the amount of such compensation and set forth other procedures for expenses under the Policy Manual.

B. Policy Committees:

Formatted: Indent: Left: 0", First line: 0"

Deleted: (7) . Administration and

Formatted: Highlight

- (1) For the purpose of developing policy recommendations to the Regional Council, the Regional Council shall establish as permanent committees the three (3) "Policy Committees" known as the "Policy Committee on Transportation and Communications", the "Policy Committee on Energy and Environment", and the Policy Committee on "Community, Economic and Human Development," in accordance with the Policy Manual. The Policy Committees shall meet at least once a month, except that the Policy Committees may decide not to meet the month of August.
- (2) The Policy Committees may include voting members which shall be Regional Council members; one (1) representative from the California Department of Transportation; one (1) general purpose local government elected official representative from each of the subregional organizations recognized by action of the Regional Council as participants in the Regional Comprehensive Plan planning process; and one (1) duly appointed board member, who is a general purpose local elected official, from an agency with which the Association has a statutory or Memorandum of Understanding relationship.
- (3) The Policy Committees may include ex-officio (non-voting) members which shall be representatives from regional and subregional single purpose public agencies and other members as approved by the Regional Council.
- (4) Regional Council members representing the CTC, IVAG and the Tribal Government Regional Planning Board shall have the right to vote as members of the Policy Committees and may, if they are also a locally elected official, or in the case of the Tribal Government Regional Planning Board representative, if they are also a locally elected Tribal Council member from a federally recognized Tribal Government within the SCAG region, be appointed Chair or Vice Chair of a Policy Committee.
- (5) **The President with regard to each Policy Committee shall:**
 - (a) Appoint all Regional Council members to one of the Policy Committees for two (2) year terms. In making such appointments, the President shall to the extent practicable appoint an equal number of members to each policy committee taking into consideration regional representation geographical balance, diversity of views and other factors deemed appropriate by the President.
 - (b) Appoint to the Policy Committees members representing public agencies which have a statutory or Memorandum of Understanding relationship with SCAG. The members shall be appointed for two-(2) year terms based on a written request from the agency's governing board. Appointments shall be limited to one

Deleted:
Deleted: a
Deleted:
Formatted: Tabs: Not at 0.5"
Deleted:
Deleted: "Administration Committee" in addition to
Deleted: s
Formatted: Highlight
Deleted:
Deleted:
Deleted:
Formatted: Highlight
Formatted: Highlight
Deleted:
Deleted: (b) The purpose of the Administration Committee is to develop policy recommendations to the Regional Council on administration, human resources, budgets, finance, operations, communications, or any other matter specifically referred by the Regional Council.
(c) Membership on the Administration Committee shall consist of all SCAG Officers, Policy Committee Chairs and Vice Chairs, and an additional six (6) Regional Council members appointed by the President. In the event a subregional organization is not represented on the Committee, the President may appoint additional Regional Council members to ensure there is at least one (1) Regional Council member from each subregion. The Tribal Government Regional Planning Board Regional Council representative shall be a member of the Committee.
... [1]
Formatted
... [2]
Deleted: e
Deleted:
Deleted: and
Formatted: Indent: Left: 0.5"
Deleted: f
Deleted:
Formatted
... [3]
Deleted: g
Formatted
... [4]
Deleted: h
Formatted
... [5]
Deleted: i
Deleted: 2

representative from each public agency. In making such appointments, the President shall consider regional representation.

- (c) Appoint ex-officio (non-voting) members upon the recommendation of the individual Policy Committee members to the Policy Committees representing the business sector, labor, community groups and other public interest groups.

Deleted: 3

- (d) In addition to the appointments to the Policy Committees of subregional organization elected representatives provided for above in subsection (2) of this Section B, the President shall appoint to the Policy Committees additional elected official representatives from each subregional organization which has at least four (4) Districts.

Deleted: 4

Deleted: e

Deleted: s

- (e) The determination of the total number of additional representatives from each subregional organization to appoint to the Policy Committees shall be as follows: One (1) additional elected official representative for each District in excess of three (3) Districts shall be appointed by the President. The governing boards of each of the subregional organizations shall nominate the additional representatives provided for in this subsection (5)(e) to be appointed to the Policy Committees. In making the appointments, the President shall consider, among other things, regional representation.

Deleted: 5

Deleted: h

Deleted: 5

- (f) In addition to the representation provided for in Article V.A(1), the President shall appoint with the consent of the Tribal Government Regional Planning Board additional members to each Policy Committee such that the Tribal Government Regional Planning Board shall have two members on each Policy Committee. Such representative shall be locally elected Tribal Council members from the federally recognized Tribal Governments within the SCAG region.

Formatted: Indent: Left: 1"

Deleted: 6

Deleted:

- (6) **Policy Committee on Transportation and Communications:** This committee shall study problems, programs and other matters, which pertain to the regional issues of mobility, air, transportation control measures and communications.

Formatted: Indent: Left: 0.5",
Tabs: Not at 1.5"

Deleted: i

Deleted:

- (7) **Policy Committee on Energy and Environment:** This committee shall study problems, programs and other matters, which pertain to the regional issues of energy and the environment.

Deleted: j

Deleted:

- (8) **Policy Committee on Community, Economic and Human Development:** This committee shall study problems, programs and other matters which pertain to the regional issues of community, economic and

Formatted: Indent: Left: 0.5",
Tabs: Not at 1.5"

Deleted: k

human development, housing and growth. This committee shall review projects, plans and programs of regional significance for consistency and conformity with applicable regional plans.

- C. Appointments:** The President is authorized to appoint members of the Regional Council to SCAG committees, ad hoc committees, subcommittees, or task forces to study specific problems, programs, or other matters which the Regional Council or General Assembly have approved for study. The President is also authorized to appoint Regional Council members to governing boards of other agencies, districts, commissions, and authorities as representatives of the Association. If no Regional Council members are available for such appointment, the President may appoint an elected official not on the Regional Council to represent the Association. Elected officials appointed to represent the Association who are not then members of the Regional Council shall be Ex-Officio members of the Regional Council without the right to vote. Terms of appointment of Regional Council members and other elected officials to governing boards of other agencies, districts, commissions, and authorities shall be consistent with the term of office of the appointing President.

Deleted: (8)

Formatted: Indent: Left: 0"

D. Executive Committee

- (1) **Membership:** The membership of the Executive Committee shall be comprised of the President, Vice President, Second Vice President and Immediate Past-President. The Executive Committee shall also include the Chairs of the three Policy Committees and an additional six (6) Regional Council members appointed by the President, who shall comprise representatives from the governing boards of the CTCs, IVAG or the subregional organizations within the SCAG region. In the event that a SCAG officer or Policy Committee Chair is also a member of the governing board of the CTCs, IVAG or a subregional organization, the President may appoint Regional Council members not affiliated with any such organization so long as collectively the six counties within SCAG have representation on the Executive Committee. In addition, the President shall appoint one member from the private sector to serve on the Executive Committee in an ex-officio, non-voting capacity. Appointment by the President of members to the Executive Committee shall be for one (1) year terms, which appointment shall expire upon the adjournment of the regular meeting of the General Assembly.
- (2) **Meetings:** The Executive Committee shall meet at least once a month, except that the Executive Committee may decide not to meet in the month of August.
- (3) **Duties**
- (a) Subject to the policy established by the General Assembly and Regional Council, and in the event that the Executive Committee

Deleted: (9)

Formatted: Indent: Hanging: 1"

Formatted: Indent: Left: 0.5",
Tabs: Not at 1.5"

Deleted: a

Deleted: Administration Committee
and the

Formatted: Highlight

Deleted: Chairs

Formatted: Highlight

Formatted: Highlight

Deleted:

Formatted: Highlight

Deleted: In the event that there is no
County Representative, the President
shall appoint one Regional Council
member representing a county to serve on
the committee.

Deleted: ¶

Deleted: b

Formatted: Highlight

Deleted: in accordance with the Policy
Manual.

Deleted: c

Formatted: Indent: Left: 1", Tabs:
Not at 2"

Deleted: l

determines by majority vote that there is a need to take immediate action prior to the next regular meeting of the Regional Council, the Executive Committee shall be authorized to make decisions and take actions that are binding upon the Association.

- (b) Subject to the policies of the Regional Council, the Executive Committee shall be responsible for: (1) developing policy recommendations to the Regional Council on administration, human resources, budgets, finance, operations, communications, or any other matter specifically referred by the Regional Council; and (2) negotiating an annual Performance Agreement with the Executive Director. The Executive Director's Performance Agreement shall be effective the first day of July of the calendar year. The Executive Committee, subject to ratification of the Regional Council, shall be responsible for performing the annual evaluation of the Executive Director's performance of the prior year's agreed-upon Performance Agreement. The Executive Committee shall complete the Executive Director's annual Performance Evaluation not later than the regularly scheduled meeting of the June Regional Council meeting.

- (c) The powers and duties of the Executive Committee shall include such other duties as the Regional Council may delegate.

- (4) **Voting:** A quorum shall be seven (7) members of the Executive Committee. In the event that a vacancy in the membership of the committee occurs, the quorum shall be reduced by one until such time as the vacancy is filled. The affirmative vote of the majority of the Executive Committee quorum is required for an action by the Executive Committee.

ARTICLE VI- OFFICERS, DUTIES, ELECTIONS AND VACANCIES

- A. Officers of the Association shall consist of a President, a Vice President, Second Vice President, Immediate Past President and a Secretary-Treasurer. The Association's President, Vice President, and Second Vice President shall be elected annually by the Regional Council at its annual General Assembly meeting, from among its membership as set forth below. The Executive Director of the Association shall serve as the Secretary-Treasurer of the Association, but shall have no vote in the Association.

- B. Officers of the Association, except the Secretary-Treasurer, shall be elected from a list of candidates for each office which shall be prepared by a Nominating Committee. The Nominating Committee shall be composed of Regional Council members who collectively represent the six (6) counties within the SCAG region, with at least two (2) members being County representatives. The recommended candidates for each office shall be submitted to the Regional Council for consideration and approval by the Nominating Committee at least one (1) month

Deleted: ¶

Deleted: 2

Formatted: Highlight

Deleted:

Deleted: ¶

Deleted: 3

Deleted: d

Formatted: Highlight

Deleted: five (5)

Formatted: Highlight

Formatted: Indent: Left: 0.5",
Tabs: Not at 1.5"

Deleted: a

Formatted: Highlight

Deleted:

Deleted: ¶

Formatted: Highlight

Deleted:

Deleted: three (3) County
representatives and three (3) District
representatives appointed by the
President

Formatted: Highlight

prior to the annual General Assembly meeting. The Regional Council may also consider and approve candidates for each office who are nominated directly at a Regional Council meeting as part of the election process. New Officers shall take office upon the ratification of the General Assembly and commencing upon the adjournment of the General Assembly meeting.

Formatted: Highlight

- C. A vacancy shall immediately occur in the office of the President, Vice President, or Second Vice President upon the resignation or death of the person holding such office, or upon ceasing to be the official representative of a member county or of a District. Upon the occurrence of a vacancy in the office of President, Vice President, or Second Vice President, a vacancy shall be filled for the balance of an unexpired term in order of succession by elevating the next remaining officer to such position, and the President shall call for a Special Election to fill the unexpired term of the office of Second Vice President. Such second Vice President shall be selected from a list of candidates which shall be prepared by a Nominating Committee structured in accordance with the provisions of Article VI, Section B. The nominee selected for the office of second Vice President shall be submitted to the Regional Council by the Nominating Committee. The new second Vice President shall take office upon adjournment of that meeting.

Formatted: Highlight

Deleted: on

Formatted: Highlight

Deleted: that

Deleted: The office of the Second Vice- President shall alternate to have a county representative every fourth year.¶

Formatted: Highlight

- D. Notwithstanding any provision in these Bylaws to the contrary, the representatives from the CTCs, IVAG and the Tribal Government Regional Planning Board shall not be eligible to be elected by the Regional Council as Officers of the Association.
- E. The President of the Association shall be the presiding officer of the Regional Council and of the General Assembly. The Vice President shall act as the presiding officer in his/her absence. The Second Vice President, followed by the Immediate Past President, shall act as the presiding officer in the absence of both of the above officers.
- F. The Secretary-Treasurer shall maintain a record of all Association proceedings, maintain custody of all Association funds, and otherwise perform the usual duties of such office.

Formatted: Highlight

Formatted: Indent: Left: 0", Hanging: 0.5"

Formatted: Highlight

Deleted: the provisions of Article V- (A)(4)(e)-(f).

Deleted:

Deleted:

Deleted:

Deleted:

Deleted:

Formatted: Highlight

Deleted:

ARTICLE VII- EXECUTIVE DIRECTOR

The Executive Director shall be the chief administrative officer of the Association. The powers and duties of the Executive Director are:

- A. Subject to the authority of the General Assembly and the Regional Council, to administer the affairs of the Association.
- B. To appoint, direct and remove all employees of the Association.
- C. Annually to prepare and present a proposed budget to the Regional Council and to control the approved budget.

- D. To serve as Secretary-Treasurer of the Association.
- E. To attend the meetings of the General Assembly and the Regional Council.
- F. To perform such other duties as the General Assembly or the Regional Council may require.

ARTICLE VIII- FINANCES

A. Fiscal Year

The Fiscal year of the Association shall commence on July 1.

B. Budget Submission and Adoption

The Association budget shall be submitted by the Executive Director to the Regional Council. The Regional Council shall adopt an Association budget at least 30 days prior the Annual Meeting. The Association budget and assessment schedule shall be adopted by the General Assembly at the Annual Meeting. Notwithstanding any provision of the agreement establishing the Association, any member that cannot pay its assessment therefore because of any applicable law or charter provision, or other lack of ability to appropriate or pay the same, may add such assessment to its assessment for the next full fiscal year. The budget for each year shall provide the necessary funds with which to obtain and maintain the requisite liability and worker's compensation insurance to fully protect each of the signatory parties hereto, and such insurance shall be so obtained and maintained.

C. Yearly Membership Assessment

Each year, upon adoption of the annual budget, the General Assembly shall fix membership assessment for all members of the Association in amounts sufficient to provide the funds required by the budget and shall advise the legislative body of each member thereof on or before the first regularly scheduled Regional Council meeting in May 1 of such year. Absent any other decision regarding membership assessments by the General Assembly, the annual membership assessment will be adjusted by the most recent year to date change in the Consumer Price Index, with a minimum of one per cent (1%), for the Los Angeles Anaheim-Riverside Counties area. The Regional Council, for not more than one year at a time, may defer, waive, or reduce payment of the annual dues. In taking any of the actions above, the Regional Council shall adjust the General Fund Budget to provide a balanced General Fund Budget reflecting any of the above actions. Any action of the Regional Council deferring, waiving, or reducing the payment of the annual dues shall be reported at the following General Assembly meeting. The amount of each member's assessment shall be determined in accordance with the formula set out in Paragraph "D," following.

D. Methods of Assessment

Each member county and each member city, based on its total population, shall pay, as part of its total annual assessment, the following fixed basic assessment:

COUNTIES		CITIES	
Total Population	Base	Population	Base
Up to 249,999	3,500	Up to 9,999	\$ 100
250,000 - 1,099,999	10,000	10,000 – 24,999	250
1,100,000 - 1,999,999	15,000	25,000 – 99,999	500
2,000,000 - 3,999,999	25,000	100,000 – 499,000	750
4,000,000 up	35,000	500,000 –999,999	1,000
		1,000,000 up	1,250

For purposes of the annual assessment each federally recognized Tribal Government in the SCAG region shall be treated as a city. The remainder of the total annual assessment to be borne by the member counties shall be charged to and paid by said member counties in proportion that the population of unincorporated portions of each bear to the total regional population. The remainder of the total annual assessment to be borne by the member cities shall be charged to and paid by said member cities in the proportion that the population of each bears to the total regional population. The computation of the shares of said total annual assessments as above provided shall be based upon the respective populations of the counties and cities as determined by the State Controller in making the most recent allocation to cities and counties pursuant to the Motor Vehicle License Fee Law. If any county or city was not a member at the time the latest assessment was fixed and shall become a member of the Association thereafter, an assessment shall be payable by such county or city to the Association upon becoming a member in a sum based upon the current county or city per capita rate, as the case may be, prorated from the date of establishing membership until the July 1 following the next annual meeting of the General Assembly after such date. Notwithstanding the previous provisions of this Section, no rebates or adjustments shall be made among the existing member counties and/or cities if such additional assessments shall be received from new members. Notwithstanding the previous provisions of this Section, no regular dues assessment of any county or city shall exceed twenty percent (20%) of the total assessment for any annual assessment period.

Regional Council Membership Assessment for CTC and, IVAG: Each CTC and IVAG shall pay a fixed annual Regional Council membership assessment based on total population, using the following assessment table:

<u>Total Population</u>	<u>Annual Assessment</u>
Up to 249,000	\$ 3,500
250,000-1,099,999	\$ 10,000
1,100,000-1,999,000	\$ 15,000
2,000,000-3,999,999	\$ 25,000
More than 4,000,000	\$ 35,000

E. **Annual Audit**

The Regional Council shall cause an annual audit of the financial affairs of the Association to be made by a certified public accountant at the end of each fiscal year. The Regional Council shall employ a certified public account of its choosing. The audit report shall be made to Association member cities and counties.

F. **Indemnification for Tort Liability**

In contemplation of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement as defined in Section 895 of said code, the parties hereto as between themselves, pursuant to the authorization contained in Sections 895.4 and 895.6 of said code, will each assume the full liability imposed upon it, or any of its officers, agents or employees by law for injury caused by a negligent or wrongful act or omission occurring in the performance of this agreement to the same extent that such liability would be imposed in the absence of Section 895.2 of said code. To achieve the above stated purpose each party indemnifies and holds harmless the other party for any loss, cost or expense that may be imposed upon such other party solely by virtue of said Section 895.2. The rules set forth in Civil Code Section 2778 are hereby made a part of these Bylaws.

- G. Notwithstanding the provisions of Section 7 of said Joint Powers Agreement by which this Association is formed, no contract, employment, debt, liability or obligation of the Association shall be binding upon or obligate any member of this Association without the express written request or consent of such member and only to the extent so requested or consented to; nor shall the Association have the authority or the power to bind any member by contract, employment, debt, liability, or obligation made or incurred by it without the written request or consent of such member, and then only to such extent as so requested or consented to in writing.

ARTICLE IX- STATUTORY AUTHORITY

The Southern California Association of Governments shall be an agency established by a joint powers agreement among the members pursuant to Title 1, Division 7, Chapter 5, of the Government Code of the State of California and shall have the powers vested in the

Association by State or Federal law, the joint powers agreement, or these bylaws. The Association shall not have the power of eminent domain, or the power to levy taxes.

ARTICLE X- VOLUNTARY WITHDRAWAL

Any member city or county may, at any time, withdraw from the Association providing, however, that the intent to withdraw must be stated in the form of a resolution enacted by the legislative body of the jurisdiction wishing to withdraw. Such resolution of intent to withdraw from the Association must be given to the Executive Director by the withdrawing jurisdiction at least 30 days prior to the effective date of withdrawal.

ARTICLE XI- AMENDMENTS

Amendments to these Bylaws may be proposed by an official representative or by the Regional Council. If proposed by an official representative, the amendment shall be submitted to the Regional Council at least 45 days prior to a regular meeting of the General Assembly. Each proposed amendment shall be considered by the Regional Council and a copy thereof, with the recommendations of the Regional Council and its reasons therefore, forwarded to the official representative of each member jurisdiction at least 30 days prior to the meeting at which such proposed amendment will be voted upon.

A majority vote of the county representatives present, and a majority vote of the city representatives present, are required to adopt an amendment to these Bylaws. If, within 60 days after the adoption of any amendment, one-third or more of the official representative protest such amendment by filing a written protest with the Executive Director, it should automatically be suspended until the next meeting of the General Assembly when it shall be taken up for consideration and vote as in the first instance.

Notwithstanding any provision of the agreement establishing the Association, Article V - A-4(b) and the Article VIII A, B, and E of said Bylaws shall not be changed except with the concurrence of the legislative body of each signatory party to said agreement which has not then withdrawn from the Association.

ARTICLE XII- EFFECTIVE DATE

These Bylaws shall going into effect immediately upon the effective date of the agreement.

ARTICLE XIII- HIRING PROHIBITION

No current or former elected official who is or was a Member of the SCAG Regional Council shall be eligible for a period of one (1) year after the last day of service as an elected official for appointment to any full-time, compensated employment with SCAG.

Bylaws adopted by the Joint County-City SCAG Committee:

March 27, 1964

Bylaws amended by the SCAG General Assembly:

February 24, 1966

November 4, 1966

February 24, 1967

February 18, 1970

September 24, 1970

February 16, 1973

September 12, 1974

February 27, 1975

March, 8, 1977

October 6, 1977

March 3, 1978

October 6, 1978

March 16, 1979

October 2, 1980

April 29, 1982

April 26, 1984

January 29, 1987

March 21, 1989

March 22, 1990

April 21, 1991

February 27, 1992

March 12, 1993

March 4, 1994

March 3, 1995

July 3, 1996

October 9, 1997

April 16, 1998

September 3, 1998

April 8, 1999

April 6, 2000

May 1, 2003

September 4, 2003

May 4, 2004

May 5, 2005

May 4, 2006

May 3, 2007

PROPOSED CHANGES SUBMITTED BY

THE

BYLAWS COMMITTEE

FROM THE

REGIONAL COUNCIL

MARCH 6, 2008

BYLAWS**THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS****Preamble**

The Southern California Association of Governments (hereinafter referred to as either the "Association" or "SCAG") is an agency voluntarily established by its members pursuant to the Joint Exercise of Powers Act for the purpose of providing a forum for discussion, study and development of recommendations on regional problems of mutual interest and concern regarding the orderly physical development of the Southern California Region among units of local government.

Formatted: Highlight

Formatted: Highlight

Deleted: Southern California
Association of Local Governments**ARTICLE I- FUNCTIONS**

The functions of the Association are:

- A. Exchange of objective planning information. Making available to members, plans and planning studies, completed or proposed by local governments, Tribal Governments, or those of State or Federal agencies, which would affect local governments.
- B. Identification and study of problems requiring objective planning by jurisdictions in more than one county in the Southern California area, and the making of appropriate policy or action recommendations.
- C. Review and/or develop governmental proposals. Review and/or develop proposals creating agencies of regional scope, and the making of appropriate policy or action recommendations concerning the need for such units or agencies.
- D. Consider questions of common interest and concern to county and city members of the Association as well as those of the Tribal Governments in the region and may develop policy and action recommendations of an advisory nature only.
- E. Act upon any matter to the extent and in the manner required, permitted or authorized by the joint powers agreements, State or Federal law, or the regulations adopted pursuant to any such law.
- F. To assist local Agency members in the acquisition of real and personal property convenient or necessary for the operation of members by entering into such financing agreements as are necessary to accomplish the pooling and common marketing of such agreements or certificates of participation in order to reduce the cost to members of the acquisition of such real or personal property.

ARTICLE II- DEFINITIONS

- A. **Association**: The Association, as used in these Bylaws, means the Southern California Association of Governments as established by these Bylaws.

- B. **General Assembly**, as used in these Bylaws, means a meeting of the official representatives of the members of the Association.
- C. **Official Representative**, as used in these Bylaws, means either the mayor or a member of the legislative body of each member city, and either the chair of the Board of Supervisors or a member of the legislative body of the member county as their official representative.
- D. **Alternate**, as used in these Bylaws, means either the mayor or a member of the legislative body of each member city, and either the chair of the Board of Supervisors or a member of the legislative body of the member county as their alternate to serve in an official capacity only in the absence of the official representative of the member county.

ARTICLE III- MEMBERSHIP AND REPRESENTATION **FOR THE GENERAL ASSEMBLY**

A. Membership

- (1) All cities and all counties within the area of the counties of Los Angeles, Orange, Riverside, San Bernardino, Ventura and Imperial are eligible for membership in the Association.
- (2) Each member county and each member city shall have one official representative and one alternate in the General Assembly, except that the City of Los Angeles, if and while it is a member city, shall have three official representatives and three alternates.
- (3) Membership shall be contingent upon the execution of the Joint Powers Agreement and the payment by each county or city of each annual assessment. In the event a county or city has not paid the annual dues assessment by October 1 of the July 1-June 30 Fiscal Year, its General Assembly Representative(s) shall serve in an Ex-Officio status, without the right to vote. Failure to pay the annual dues assessment by January 30 of the July 1-June 30 Fiscal Year shall be deemed to be an automatic withdrawal from membership.
- (4) Any federally recognized Indian Nation within the SCAG region and Special districts which are significantly involved in regional problems or the boundaries of which include territory in more than one county, shall be eligible for advisory membership in the Association. The representatives of any such advisory member may participate in the work of committees of the Association.

Deleted: j

Formatted: Highlight

B. Representation in the General Assembly

- (1) Only the official representative or alternates present shall represent a member in the General Assembly, provided, however, that a member of

the Board of Supervisors of a member county may participate in the discussion of the General Assembly.

- (2) The official representative of each city shall be their respective Regional Council member, in the event that the City does not have a Regional Council member then the official representative or alternate for such city shall be designated by the city council, provided that if and while the City of Los Angeles is a member city, the mayor shall be one of its official representatives
- (3) Names of official representatives and alternates shall be communicated in writing to the Association by the appointing city or county 45 days before the annual meeting of the General Assembly.
- (4) Official representatives or alternates shall serve at the General Assembly until a successor is appointed, except if an official representative or alternate ceases to be a member of the legislative body or mayor of the city or county appointing then the seat shall be vacant until a successor is appointed.

ARTICLE IV- GENERAL ASSEMBLY

A. Powers and Functions

Subject to Article I, the powers of the General Assembly, shall include:

- (1) The determination of policy matters for the Association.
- (2) Any official representative may, at any meeting of the General Assembly, propose a subject(s) for study by the Association provided that the representative has notified the President of the proposal forty-five days in advance of the meeting date of the General Assembly. The General Assembly may determine whether a study will be made of the subject(s) proposed, or may refer such subject(s) to the Regional Council.
- (3) Any official representative may, at any meeting of the General Assembly, request review by the General Assembly of any action of the Regional Council, which has been taken between meetings of the General Assembly.
- (4) At its annual meeting, the General Assembly shall review the proposed budget and assessment schedule and shall adopt an annual budget and an assessment schedule.
- (5) Any official representative who desires to propose any policy matter for determination by the General Assembly shall submit the matter to the Regional Council in the form of a proposed resolution at least forty-five (45) days prior to any regular meeting of the General Assembly. The

President shall recommend and the Regional Council shall appoint a Resolutions Committee to consider each such resolution and submit its recommendation for action to the General Assembly. A copy of each such proposed resolution together with the Resolutions Committee's recommendations thereon, shall be included in the agenda materials for each regular meeting of the General Assembly. If a resolution is presented directly to the General Assembly, a two-thirds vote of the General Assembly in compliance with the criteria of Government Code sections 54950 et seq. shall be required for its consideration.

B. Meetings

- (1) A regular meeting of the General Assembly shall be held once a year. Special meetings of the General Assembly may be called by the Regional Council upon the written request of the President and with the affirmative votes of a majority of a Regional Council quorum. Ten days' written notice of a special meeting shall be given to the official representatives and alternates of each member city and to each member of the Board of Supervisors of each member county. An agenda specifying the subject of the special meeting shall accompany the notice.
- (2) The time, date and location for meetings of the General Assembly shall be determined by the Regional Council.
- (3) Notice of the regular meeting of the General Assembly shall be given to the official representatives and alternates of each member city, and to each member of the Board of Supervisors of each member county at least 30 days prior to each meeting. An agenda for the meeting shall accompany the notice. Notice of any changes to the agenda shall be given at least 10 days prior to the meeting.
- (4) Association committees shall meet on the call of their Chair or as otherwise provided herein.
- (5) The General Assembly may adopt rules for its own procedure.

Formatted: Highlight

Deleted: upon written request of 15 member cities and 3 member counties

C. Voting in the General Assembly shall be conducted in the following manner:

- (1) A quorum of the General Assembly shall consist of official representation from one-third of the member cities and one-third of the member counties.
- (2) Each official county representative and each official city representative shall have one vote. Votes shall be tabulated separately for county representatives and for city representatives upon the request of one member or alternate of the county representatives only when one-half (1/2) of the county representatives are present or upon the request of one member or alternate of the city representatives only when one-third (1/3) of the city representatives are present. If the votes are tabulated separately,

Deleted:

Deleted: 0

the affirmative votes of a majority of a quorum of both city and county representatives are required. In the absence of the official representative, the alternate shall be entitled to vote.

- (3) Voting may be by voice, displaying voting cards or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

ARTICLE V- REGIONAL COUNCIL

Preamble: The Regional Council of the Association shall include members from cities and counties in the Association's region.

- A. **Regional Council Organization:** There shall be a Regional Council of the Association which shall be organized as set forth below and which shall be responsible for such functions as are hereinafter set forth:

Formatted: Highlight

- (1) **Membership:** The membership of the Regional Council shall be comprised of one (1) representative from each member county Board of Supervisors, except the County of Los Angeles which shall have two (2) representatives; one (1) representative from the Tribal Government Regional Planning Board, who shall be a locally elected Tribal Council member from a federally recognized Tribal Government within the SCAG region; one from each District (as defined below); the Mayor of the City of Los Angeles serving as the Los Angeles City At-Large Representative; one (1) general purpose local government elected official representative, defined as either an elected city council member or member of a County Board of Supervisors, from the governing boards of each of the five (5) County Transportation Commissions ("CTC"); one (1) representative from the Imperial Valley Association of Governments ("IVAG"); and one (1) representative representing all five (5) air districts operating within the SCAG region.

Deleted: and

Formatted: Highlight

Formatted: Highlight

- (a) **Districts:** For purposes of representation on the Regional Council, Districts shall be organized and defined as follows:

- (1) A District shall be established by the Regional Council and be comprised of a group of cities that have a geographic community of interest and have approximately equal population. A District may be comprised of cities within different counties, but Districts established by subregions under subsection (a)(5) or (a)(6) shall include only cities within the boundaries of such subregions. Procedures for District Representative elections shall be set forth under the Regional Council Policy Manual ("Policy Manual").

- (2) The Regional Council shall review and if it deems necessary, establish district boundaries every five (5) years, based upon city population data as most recently available from the State Department of Finance. The Regional Council shall review the district boundaries in 2004 and thereafter in every year ending in 3 or 8.
- (3) Notwithstanding any other provisions of these Bylaws, in the event that upon review of the Districts by the Regional Council in 2004, District representation is changed, then those impacted districts shall hold a special election no later than two months after final action by the Regional Council to elect their representative who shall serve for a term established by the Regional Council. Such elections shall be held in accordance with the procedures established in Article V(a)(1)(b)(1)-(4) and (6) and with regard to subregions in accordance with Article V (a)(c)(1)(5) and (7).
- (4) If a new city within the Association's region is incorporated after Districts have been established, the newly incorporated city shall be assigned by the Regional Council in consultation with the subregion, to a District with other cities with which it has contiguous borders until such time as Districts are again established by the Regional Council.
- (5) In any area where a subregional organization has been formally established under a joint powers agreement pursuant to California Government Code Sections 6500 et. seq. for general planning purposes such as for the purpose of: conducting studies and projects designed to improve and coordinate the common governmental responsibilities and services on an area-wide and regional basis, exploring areas of intergovernmental cooperation and coordination of governmental programs and providing recommendations and solutions to problems of common and general concern through the establishment of an association of governments, and where such subregional organization serves as the subregional planning agency for the general purpose local governments and is not a single-purpose joint powers authority and or other such special district entity, the applicable subregional organization shall make recommendations to establish a District (or Districts) within the boundaries of such subregional area. For purposes of establishing Districts, the subregional organization shall use the definition of District as set forth

in subsection (1) above. The subregional organization shall have authority to make recommendations to the Regional Council to establish Districts every five (5) years and shall use city populations as most recently determined by the State Department of Finance. If a new city within the subregional area is incorporated after Districts have been established, the newly incorporated city shall be assigned to a District in accordance with Article V (A)(1)(a)(4) until such time as Districts are again established as provided for in this section.

- (6) In any area where a subregional organization has been recognized by action of the Regional Council as a participant in the Regional Comprehensive Plan planning process and is organized for general planning purposes of such as for the purpose of: conducting studies and projects designed to improve and coordinate the common governmental responsibilities and services on an area-wide and regional basis, exploring areas of intergovernmental cooperation and coordination of governmental programs and providing recommendations and solutions to problems of common and general concern, the applicable subregional organization shall make recommendations to establish a District (or Districts) within the boundaries of such subregional area. The subregional organization shall use the definition of District as set forth in subsection (1) above. The subregional organization shall have authority to make recommendations to the Regional Council every five (5) years and shall use city populations as most recently determined by the State Department of Finance. If a new city within the subregional area is incorporated after Districts have been established, the newly incorporated city shall be assigned to a District in accordance with Article V(A)(1)(a)(4) until such time as Districts are again established as provided for in this section.

- (7) The Regional Council shall establish a maximum of sixty-seven (67) districts.

(b) **Regional Council Representation**

- (1) There shall be a minimum of one (1) District representative for all of the cities within each county in the Association.
- (2) Any Regional Council member representing a member city in a single City District or county which has not yet paid its annual dues assessment by October 1 of the July 1 - June

30 Fiscal Year shall be granted Ex-Officio member status, without the right to vote, on the Regional Council.

- (3) Any Regional Council member from a member city which has not paid its annual dues assessment by October 1 of the July 1-June 30 Fiscal Year, and who represents a District comprised of more than one city, shall relinquish his/her position on the Regional Council and the seat shall be declared vacant by the President. Such vacancies shall be filled through the District representative special election procedures set forth by the Regional Council.
- (4) Any Regional Council member from a Native American Tribe which has not paid its annual dues assessment by October 1 of the July 1-June 30 Fiscal Year, and who represents the Tribal Government Regional Planning Board, shall relinquish his/her position on the Regional Council and the seat shall be declared vacant by the President. Such vacancies shall be filled by the Tribal Government Regional Planning Board.
- (5) CTC, IVAG and the Tribal Government Regional Planning Board representatives to the Regional Council shall be appointed by their respective governing boards, and the appointments shall be formally communicated in writing to the President.
- (6) Any Regional Council member representing a CTC or the IVAG which has not paid its annual dues assessment within three (3) months of the July 1-June 30 fiscal year shall be granted Ex-Officio status without the right to vote, on the Regional Council.

(2) **Terms of Office:**

- (a) Membership on the Regional Council shall be for two (2) years upon election. Terms shall commence on adjournment of the annual meeting of the General Assembly, or in the case of those representatives elected pursuant to special elections to fill vacancies, for such time as will fill out the remainder of the vacated term. If a representative serving on the Regional Council ceases to be an elected official from a member city, county or ceases to be a locally elected tribal council member, his/her Regional Council seat shall be declared vacant by the President as of the time such representative ceases to be an elected official. Vacancies on the Regional Council shall be filled through the special election procedures as set forth by the Regional Council or

in the case of a locally elected tribal council member, shall be filled by the Tribal Government Regional Planning Board.

- (b) The terms of District representatives who represent even-numbered Districts shall be two years and shall expire in even-numbered years. Terms of District representatives who represent odd-numbered Districts shall be two years and shall expire in odd-numbered years. The term of the representative from the Tribal Government Regional Planning Board shall be two years and shall expire in even-numbered years.
- (c) The CTC and IVAG representatives to the Regional Council shall be appointed to two (2) year terms.
- (3) **Meetings:** Unless otherwise determined by the Regional Council, it shall meet at least once a month. The date, time and location of the Regional Council meetings shall be recommended by the President and ratified by the Regional Council. Meetings shall be held upon the call of the President or upon the call of a majority of the members of the Regional Council. The Regional Council may adopt any other meeting procedures as part of the Policy Manual.
- (4) **Duties**
 - (a) Subject to the policy established by the General Assembly, the Regional Council shall conduct the affairs of the Association.
 - (b) The Regional Council shall review and may amend the proposed annual budget as prepared by the Executive Director. ~~The~~ proposed budget and the assessment schedule as approved by the Regional Council, shall be submitted to members of the General Assembly at least thirty (30) days before the annual meeting. After adoption of the annual budget assessment schedule by the General Assembly, the Regional Council shall control all Association expenditures in accordance with such budget
 - (1) The Regional Council shall have the power to transfer funds within the total budget amount in order to meet unanticipated needs or changed situations. Such action shall be reported to the General Assembly at its next regular meeting.
 - (2) At each annual meeting of the General Assembly, the Regional Council shall report on all budget and financial transactions since the previous annual meeting.
 - (c) The Regional Council shall submit a full report of its activities at each regular meeting of the General Assembly.

Deleted: Each

Formatted: Highlight

Deleted:

Deleted: 0

- (d) The Regional Council shall have the authority to appoint, fix the salary of, ratify the performance evaluation of and remove an Executive Director of the Association, and shall have the authority to create and discontinue positions in the employ of the Association and fix salaries.
- (e) The Regional Council shall have the power to establish committees to study specific problems, programs, and other matters which the Regional Council or General Assembly have approved for study.
- (f) Recommendations from committees for policy decisions shall be made to the Regional Council. The Regional Council shall have the authority to act upon policy recommendations including policy recommendations from the committees, or it may submit such recommendations, together with its comments, to the General Assembly for action.
- (g) The Regional Council shall be responsible for carrying out policy decisions made by the General Assembly.
- (h) All Regional Council members shall comply with the SCAG Conflict of Interest Policy as adopted and amended from time to time by the Regional Council.
- (5) **Voting:** In the Regional Council voting shall be conducted in the following manner:
 - (a) Only representatives of the membership as defined in Article V (A) (1) shall have the right to vote as a member of the Regional Council.
 - (b) One-third (1/3) of the members of the Regional Council shall constitute a quorum of the Regional Council.
 - (c) The affirmative votes of a majority of the Regional Council quorum are required for action by the Regional Council, except as set forth in subsections (d), (e) and (f) below.
 - (d) A County representative may request a "division of the house" vote if two thirds (2/3) of the county representatives are present. A District representative may request a "division of the house" vote if one-third of the District representatives are present. A "division of the house" vote, shall be tabulated separately for county representatives and for District representatives and the affirmative votes of a majority of county representatives present and a majority of District representatives present shall be required for action by the Regional Council. For purposes of the division of the house,

Deleted: appoint

Formatted: Highlight

Deleted:

the representative of the Tribal Government Regional Planning Board shall be considered to be a District representative.

Pursuant to any "division of the house" vote any city which has more than one District representative may have its District representative(s) vote on behalf of any District representative(s) not in attendance so long as that city's city council has previously taken an official action authorizing the express voting of the city's position on the specified matter. Notwithstanding the above, any votes to be exercised pursuant to this subsection shall not be exercised prior to the holding of the next Regional Council meeting subsequent to the meeting at which the applicable "division of the house" vote has been called for. All authorizations for voting pursuant to this subsection shall be in writing and shall be made available to the Regional Council at the time of the subject vote.

- (e) In order to recommend the annual budget to the General Assembly, the affirmative vote of not less than a majority of the Regional Council membership is required.
 - (f) In order to appoint or remove the Executive Director, the affirmative vote of not less than a majority of the Regional Council membership is required.
 - (g) Each official representative from the CTC, IVAG and the Tribal Government Regional Planning Board shall have the right to vote in the same manner as other members of the Regional Council.
 - (h) Notwithstanding the provisions of (1) above, the representatives from the CTC and the IVAG shall not be entitled to request a "division of the house" vote, shall not be included in the tabulation of the number of county representatives required to request a "division of the house" vote and shall not be entitled to vote on a matter considered as a result of a "division of the house."
- (6) **Expenses:** Members of the Regional Council shall serve with compensation and shall be reimbursed for the actual necessary expenses incurred by them in the performance of their duties for the Association, to the extent that such compensation and reimbursement are not otherwise provided to them by another public agency, a Tribal Government or the Tribal Government Regional Planning Board. The Regional Council shall determine the amount of such compensation and set forth other procedures for expenses under the Policy Manual.

B. **Administration and Policy Committees:** For the purpose of developing policy recommendations to the Regional Council, the Regional Council shall establish as

Deleted: (7)

Formatted: Highlight

Formatted: Indent: Left: 0"

Deleted:

Deleted: 0

Formatted: Highlight

permanent committees the "Administration Committee" in addition to three (3) "Policy Committees" known as the "Policy Committee on Transportation and Communications", the "Policy Committee on Energy and Environment", and the Policy Committee on "Community, Economic and Human Development," in accordance with the Policy Manual. The Policy Committees shall meet at least once a month, except that the Policy Committees may decide not to meet the month of August.

Formatted: Highlight

C. Administration Committee

(1) **Membership:** The membership of the Administration Committee shall be comprised of the President, Vice President, Second Vice President and Immediate Past-President. The Administration Committee shall also include the Chairs of the three Policy Committees, the Vice-Chairs of the three Policy Committees and an additional three (3) Regional Council members appointed by the President, who shall comprise representatives from the governing boards of the CTCs, IVAG or the subregional organizations within the SCAG region. In the event that a SCAG officer, Policy Committee Chair or Policy Committee Vice-Chair is also a member of the governing board of the CTCs, IVAG or a subregional organization, the President may appoint Regional Council members not affiliated with any such organization so long as collectively the six counties within SCAG have representation on the Administration Committee. In addition, the President shall appoint one member from the private sector to serve on the Administration Committee in an ex-officio, non-voting capacity. Appointment by the President of members to the Administration Committee shall be for one (1) year terms, which appointment shall expire upon the adjournment of the regular meeting of the General Assembly.

Deleted: Executive

Formatted: Highlight

Deleted: Executive

Deleted: Executive

(2) **Meetings:** The Administration Committee shall meet at least once a month and in accordance with the Regional Council Policy Manual, except that the Administration Committee may decide not to meet in the month of August.

Formatted: Highlight

Formatted: Highlight

(3) Duties

(a) Subject to the policy established by the General Assembly and Regional Council, and in the event that the Administration Committee determines by majority vote that there is a need to take immediate action prior to the next regular meeting of the Regional Council, the Administration Committee shall be authorized to make decisions and take actions that are binding upon the Association.

(b) Subject to the policies of the Regional Council, the Administration Committee shall be responsible for: (1) developing policy

recommendations to the Regional Council on administration, human resources, budgets, finance, operations, communications, or any other matter specifically referred by the Regional Council; and (2) negotiating an annual Performance Agreement with the Executive Director. The Executive Director's Performance Agreement shall be effective the first day of July of the calendar year. The Administration Committee, subject to ratification of the Regional Council, shall be responsible for performing the annual evaluation of the Executive Director's performance of the prior year's agreed-upon Performance Agreement. The Administration Committee shall complete the Executive Director's annual Performance Evaluation not later than the regularly scheduled meeting of the June Regional Council meeting.

(c) The powers and duties of the Administration Committee shall include such other duties as the Regional Council may delegate.

- (4) **Voting:** A quorum shall be seven (7) members of the Administration Committee. In the event that a vacancy in the membership of the committee occurs, the quorum shall be reduced by one until such time as the vacancy is filled. The affirmative vote of the majority of the Administration Committee quorum is required for an action by the Administration Committee.

D. Policy Committees

- (1) The Policy Committees may include voting members which shall be Regional Council members; one (1) representative from the California Department of Transportation; one (1) general purpose local government elected official representative from each of the subregional organizations recognized by action of the Regional Council as participants in the Regional Comprehensive Plan planning process; and one (1) duly appointed board member, who is a general purpose local elected official, from an agency with which the Association has a statutory or Memorandum of Understanding relationship.
- (2) The Policy Committees may include ex-officio (non-voting) members which shall be representatives from regional and subregional single purpose public agencies and other members as approved by the Regional Council.
- (3) Regional Council members representing the CTC, IVAG and the Tribal Government Regional Planning Board shall have the right to vote as members of the Policy Committees and may, if they are also a locally elected official, or in the case of the Tribal Government Regional Planning Board representative, if they are also a locally elected Tribal Council

Deleted:

Deleted: 0

Formatted: Highlight

Formatted: Highlight

Formatted: Indent: Left: 0", First line: 0", Space Before: 12 pt

Formatted: Font: Bold

Deleted:

Deleted: (1

Deleted: a

Deleted:) For the purpose of developing policy recommendations to the

Deleted:

Deleted: Regional Council, the Regional Council shall establish as

Deleted:

Formatted: Indent: Left: 0.5", Tabs: Not at 1.5"

Deleted: permanent committees the "Administration Committee" in ad ... [1]

Formatted: Highlight

Deleted: s

Deleted: the "Policy Committee on

Deleted:

Deleted: Transportation and ... [2]

Deleted:

Deleted: Energy and Environme ... [3]

Deleted:

Deleted: with the Policy Manual ... [4]

Formatted: Highlight

Formatted: Highlight

Deleted:

Deleted: f

Deleted: 2

Deleted: e

Deleted: :

Deleted: and

Formatted: Indent: Left: 0.5"

Deleted: 3

Deleted: f

Deleted:

Formatted: ... [5]

Deleted: 4

Deleted: g

member from a federally recognized Tribal Government within the SCAG region, be appointed Chair or Vice Chair of a Policy Committee.

(4) **The President with regard to each Policy Committee shall:**

- (a) Appoint all Regional Council members to one of the Policy Committees for two (2) year terms. In making such appointments, the President shall to the extent practicable appoint an equal number of members to each policy committee taking into consideration regional representation geographical balance, diversity of views and other factors deemed appropriate by the President.
- (b) Appoint to the Policy Committees members representing public agencies which have a statutory or Memorandum of Understanding relationship with SCAG. The members shall be appointed for two-(2) year terms based on a written request from the agency's governing board. Appointments shall be limited to one representative from each public agency. In making such appointments, the President shall consider regional representation.
- (c) Appoint ex-officio (non-voting) members upon the recommendation of the individual Policy Committee members to the Policy Committees representing the business sector, labor, community groups and other public interest groups.
- (d) In addition to the appointments to the Policy Committees of subregional organization elected representatives provided for above in subsection (2) of this Section B, the President shall appoint to the Policy Committees additional elected official representatives from each subregional organization which has at least four (4) Districts.
- (e) The determination of the total number of additional representatives from each subregional organization to be appointed to the Policy Committees shall be as follows: One (1) additional elected official representative for each District in excess of three (3) Districts shall be appointed by the President. The governing boards of each of the subregional organizations shall nominate the additional representatives provided for in this subsection (5)(e) to be appointed to the Policy Committees. In making the appointments, the President shall consider, among other things, regional representation.
- (f) In addition to the representation provided for in Article V.A(1), the President shall appoint with the consent of the Tribal Government Regional Planning Board additional members to each Policy

Deleted: .

Deleted: 0

Deleted: 5

Deleted: h

Formatted: Indent: Left: 0.5",
Tabs: Not at 1.5"

Formatted: Indent: Left: 1", Tabs:
Not at 2"

Deleted: l

Deleted: 2

Deleted: 3

Deleted: 4

Deleted: e

Deleted: s

Deleted: 5

Deleted: h

Deleted: 5

Formatted: Indent: Left: 1"

Deleted: 6

Deleted:

Committee such that the Tribal Government Regional Planning Board shall have two members on each Policy Committee. Such representative shall be locally elected Tribal Council members from the federally recognized Tribal Governments within the SCAG region.

- (5) **Policy Committee on Transportation and Communications:** This committee shall study problems, programs and other matters, which pertain to the regional issues of mobility, air, transportation control measures and communications.
- (6) **Policy Committee on Energy and Environment:** This committee shall study problems, programs and other matters, which pertain to the regional issues of energy and the environment.
- (7) **Policy Committee on Community, Economic and Human Development:** This committee shall study problems, programs and other matters which pertain to the regional issues of community, economic and human development, housing and growth. This committee shall review projects, plans and programs of regional significance for consistency and conformity with applicable regional plans.

D. Appointments: The President is authorized to appoint members of the Regional Council to SCAG committees, ad hoc committees, subcommittees, or task forces to study specific problems, programs, or other matters which the Regional Council or General Assembly have approved for study. The President is also authorized to appoint Regional Council members to governing boards of other agencies, districts, commissions, and authorities as representatives of the Association. If no Regional Council members are available for such appointment, the President may appoint an elected official not on the Regional Council to represent the Association. Elected officials appointed to represent the Association who are not then members of the Regional Council shall be Ex-Officio members of the Regional Council without the right to vote. Terms of appointment of Regional Council members and other elected officials to governing boards of other agencies, districts, commissions, and authorities shall be consistent with the term of office of the appointing President.

ARTICLE VI- OFFICERS, DUTIES, ELECTIONS AND VACANCIES

- A. Officers of the Association shall consist of a President, a Vice President, Second Vice President, Immediate Past President and a Secretary-Treasurer. The Association's President, Vice President, and Second Vice President shall be elected annually by the Regional Council at its annual General Assembly meeting, from among its membership as set forth below. The Executive Director of the

Deleted: 6	...	[6]
Formatted	...	[7]
Deleted: i	...	[8]
Deleted: 7		
Deleted: j	...	[9]
Deleted: 8		
Deleted: k		
Formatted	...	[10]
Deleted: (8)		
Formatted	...	[11]
Deleted: C		
Deleted:		
Formatted	...	[12]
Deleted: (9)		
Deleted: D. Executive Comm	...	[13]
Deleted: a		
Deleted:) Membership: The	...	[14]
Deleted: in accordance with th	...	[15]
Deleted: ¶	...	[16]
Deleted: c		
Deleted: l		
Deleted:) Subject to the polic	...	[17]
Formatted	...	[18]
Deleted: Chairs		
Deleted: he President, who sha	...	[19]
Deleted: ¶		
Formatted	...	[20]
Deleted:		
Formatted	...	[21]
Formatted	...	[22]
Deleted: In addition, the Presid	...	[23]
Deleted: In the event that the	...	[24]
Deleted: Appointment by the	...	[25]
Deleted:) Duties¶	...	[26]
Deleted: (2		
Deleted: b		
Deleted:) Meetings: The Ex	...	[27]
Deleted: ¶		
Deleted: (b		
Deleted: 2		
Deleted:) Subject to the polic	...	[28]
Deleted:		
Formatted	...	[29]
Deleted: (1) developing policy	...	[30]
Deleted: ¶		
Deleted: 3		
Deleted: (c		
Deleted:) The powers and du	...	[31]
Deleted: d		
Deleted:) Voting: A quorum	...	[32]
Formatted	...	[33]
Deleted: five (5)		
...	...	[34]
Formatted	...	[35]
Formatted	...	[36]

Association shall serve as the Secretary-Treasurer of the Association, but shall have no vote in the Association.

- B. Officers of the Association, except the Secretary-Treasurer, shall be elected from a list of candidates for each office which shall be prepared by a Nominating Committee. The Nominating Committee shall be composed of Regional Council members who collectively represent the six (6) counties within the SCAG region, with at least two (2) members being County representatives. The recommended candidates for each office shall be submitted to the Regional Council for consideration and approval by the Nominating Committee at least one (1) month prior to the annual General Assembly meeting. The Regional Council may also consider and approve candidates for each office who are nominated directly at a Regional Council meeting as part of the election process. New Officers shall take office upon the ratification of the General Assembly and commencing upon the adjournment of the General Assembly meeting.
- C. A vacancy shall immediately occur in the office of the President, Vice President, or Second Vice President upon the resignation or death of the person holding such office, or upon ceasing to be the official representative of a member county or of a District. Upon the occurrence of a vacancy in the office of President, Vice President, or Second Vice President, a vacancy shall be filled for the balance of an unexpired term in order of succession by elevating the next remaining officer to such position, and the President shall call for a Special Election to fill the unexpired term of the office of Second Vice President. Such second Vice President shall be selected from a list of candidates which shall be prepared by a Nominating Committee structured in accordance with the provisions of Article VI, Section B. The nominee selected for the office of second Vice President shall be submitted to the Regional Council by the Nominating Committee. The new second Vice President shall take office upon adjournment of that meeting.
- D. Notwithstanding any provision in these Bylaws to the contrary, the representatives from the CTCs, IVAG and the Tribal Government Regional Planning Board shall not be eligible to be elected by the Regional Council as Officers of the Association.
- E. The President of the Association shall be the presiding officer of the Regional Council and of the General Assembly. The Vice President shall act as the presiding officer in his/her absence. The Second Vice President, followed by the Immediate Past President, shall act as the presiding officer in the absence of both of the above officers.
- F. The Secretary-Treasurer shall maintain a record of all Association proceedings, maintain custody of all Association funds, and otherwise perform the usual duties of such office.

Deleted:

Deleted: 0

Deleted: ¶

Formatted: Highlight

Deleted:

Deleted: three (3) County representatives and three (3) District representatives appointed by the President

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Deleted: on

Formatted: Highlight

Deleted: that

Deleted: The office of the Second Vice- President shall alternate to have a county representative every fourth year.¶

Formatted: Highlight

Formatted: Highlight

Formatted: Indent: Left: 0", Hanging: 0.5"

Formatted: Highlight

Deleted: the provisions of Article V-(A)(4)(e)-(f).

Deleted:

Deleted:

Deleted:

Deleted:

Deleted:

Formatted: Highlight

Deleted:

ARTICLE VII- EXECUTIVE DIRECTOR

The Executive Director shall be the chief administrative officer of the Association. The powers and duties of the Executive Director are:

- A. Subject to the authority of the General Assembly and the Regional Council, to administer the affairs of the Association.
- B. To appoint, direct and remove all employees of the Association.
- C. Annually to prepare and present a proposed budget to the Regional Council and to control the approved budget.
- D. To serve as Secretary-Treasurer of the Association.
- E. To attend the meetings of the General Assembly and the Regional Council.
- F. To perform such other duties as the General Assembly or the Regional Council may require.

ARTICLE VIII- FINANCES**A. Fiscal Year**

The Fiscal year of the Association shall commence on July 1.

B. Budget Submission and Adoption

The Association budget shall be submitted by the Executive Director to the Regional Council. The Regional Council shall adopt an Association budget at least 30 days prior the Annual Meeting. The Association budget and assessment schedule shall be adopted by the General Assembly at the Annual Meeting. Notwithstanding any provision of the agreement establishing the Association, any member that cannot pay its assessment therefore because of any applicable law or charter provision, or other lack of ability to appropriate or pay the same, may add such assessment to its assessment for the next full fiscal year. The budget for each year shall provide the necessary funds with which to obtain and maintain the requisite liability and worker's compensation insurance to fully protect each of the signatory parties hereto, and such insurance shall be so obtained and maintained.

C. Yearly Membership Assessment

Each year, upon adoption of the annual budget, the General Assembly shall fix membership assessment for all members of the Association in amounts sufficient to provide the funds required by the budget and shall advise the legislative body of each member thereof on or before the first regularly scheduled Regional Council meeting in May 1 of such year. Absent any other decision regarding

membership assessments by the General Assembly, the annual membership assessment will be adjusted by the most recent year to date change in the Consumer Price Index, with a minimum of one per cent (1%), for the Los Angeles Anaheim-Riverside Counties area. The Regional Council, for not more than one year at a time, may defer, waive, or reduce payment of the annual dues. In taking any of the actions above, the Regional Council shall adjust the General Fund Budget to provide a balanced General Fund Budget reflecting any of the above actions. Any action of the Regional Council deferring, waiving, or reducing the payment of the annual dues shall be reported at the following General Assembly meeting. The amount of each member's assessment shall be determined in accordance with the formula set out in Paragraph "D," following.

D. Methods of Assessment

Each member county and each member city, based on its total population, shall pay, as part of its total annual assessment, the following fixed basic assessment:

COUNTIES		CITIES	
Total Population	Base	Population	Base
Up to 249,999	3,500	Up to 9,999	\$ 100
250,000 - 1,099,999	10,000	10,000 – 24,999	250
1,100,000 - 1,999,999	15,000	25,000 – 99,999	500
2,000,000 - 3,999,999	25,000	100,000 – 499,000	750
4,000,000 up	35,000	500,000 –999,999	1,000
		1,000,000 up	1,250

For purposes of the annual assessment each federally recognized Tribal Government in the SCAG region shall be treated as a city. The remainder of the total annual assessment to be borne by the member counties shall be charged to and paid by said member counties in proportion that the population of unincorporated portions of each bear to the total regional population. The remainder of the total annual assessment to be borne by the member cities shall be charged to and paid by said member cities in the proportion that the population of each bears to the total regional population. The computation of the shares of said total annual assessments as above provided shall be based upon the respective populations of the counties and cities as determined by the State Controller in making the most recent allocation to cities and counties pursuant to the Motor Vehicle License Fee Law. If any county or city was not a member at the time the latest assessment was fixed and shall become a member of the Association thereafter, an assessment shall be payable by such county or city to the Association upon becoming a member in a sum based upon the current county or city per capita rate, as the case may be, prorated from the date of establishing membership until the July 1 following the next annual meeting of the General Assembly after such date. Notwithstanding the previous provisions of this Section, no rebates or adjustments shall be made among the existing member

counties and/or cities if such additional assessments shall be received from new members. Notwithstanding the previous provisions of this Section, no regular dues assessment of any county or city shall exceed twenty percent (20%) of the total assessment for any annual assessment period.

Regional Council Membership Assessment for CTC and, IVAG: Each CTC and IVAG shall pay a fixed annual Regional Council membership assessment based on total population, using the following assessment table:

<u>Total Population</u>	<u>Annual Assessment</u>
Up to 249,000	\$ 3,500
250,000-1,099,999	\$ 10,000
1,100,000-1,999,000	\$ 15,000
2,000,000-3,999,999	\$ 25,000
More than 4,000,000	\$ 35,000

E. **Annual Audit**

The Regional Council shall cause an annual audit of the financial affairs of the Association to be made by a certified public accountant at the end of each fiscal year. The Regional Council shall employ a certified public account of its choosing. The audit report shall be made to Association member cities and counties.

F. **Indemnification for Tort Liability**

In contemplation of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement as defined in Section 895 of said code, the parties hereto as between themselves, pursuant to the authorization contained in Sections 895.4 and 895.6 of said code, will each assume the full liability imposed upon it, or any of its officers, agents or employees by law for injury caused by a negligent or wrongful act or omission occurring in the performance of this agreement to the same extent that such liability would be imposed in the absence of Section 895.2 of said code. To achieve the above stated purpose each party indemnifies and holds harmless the other party for any loss, cost or expense that may be imposed upon such other party solely by virtue of said Section 895.2. The rules set forth in Civil Code Section 2778 are hereby made a part of these Bylaws.

- G. Notwithstanding the provisions of Section 7 of said Joint Powers Agreement by which this Association is formed, no contract, employment, debt, liability or obligation of the Association shall be binding upon or obligate any member of this Association without the express written request or consent of such member and only to the extent so requested or consented to; nor shall the Association have the authority or the power to bind any member by contract, employment, debt, liability, or obligation made or incurred by it without the written request or

consent of such member, and then only to such extent as so requested or consented to in writing.

H. Depositories and Investments

In addition to the depository and the disbursing officer as specified in Section 7 of the Joint Powers Agreement, the Regional Council may authorize additional depositories and those authorized to disburse the Association's funds, and may specify the terms and conditions pertaining thereto.

Formatted: Body Text, Style 1,
Indent: Left: 0", First line: 0", Tabs:
Not at 0.5"

ARTICLE IX- STATUTORY AUTHORITY

The Southern California Association of Governments shall be an agency established by a joint powers agreement among the members pursuant to Title 1, Division 7, Chapter 5, of the Government Code of the State of California and shall have the powers vested in the Association by State or Federal law, the joint powers agreement, or these bylaws. The Association shall not have the power of eminent domain, or the power to levy taxes.

ARTICLE X- VOLUNTARY WITHDRAWAL

Any member city or county may, at any time, withdraw from the Association providing, however, that the intent to withdraw must be stated in the form of a resolution enacted by the legislative body of the jurisdiction wishing to withdraw. Such resolution of intent to withdraw from the Association must be given to the Executive Director by the withdrawing jurisdiction at least 30 days prior to the effective date of withdrawal.

ARTICLE XI- AMENDMENTS

Amendments to these Bylaws may be proposed by an official representative or by the Regional Council. If proposed by an official representative, the amendment shall be submitted to the Regional Council at least 45 days prior to a regular meeting of the General Assembly. Each proposed amendment shall be considered by the Regional Council and a copy thereof, with the recommendations of the Regional Council and its reasons therefore, forwarded to the official representative of each member jurisdiction at least 30 days prior to the meeting at which such proposed amendment will be voted upon.

A majority vote of the county representatives present, and a majority vote of the city representatives present, are required to adopt an amendment to these Bylaws. If, within 60 days after the adoption of any amendment, one-third or more of the official representative protest such amendment by filing a written protest with the Executive Director, it should automatically be suspended until the next meeting of the General Assembly when it shall be taken up for consideration and vote as in the first instance.

Notwithstanding any provision of the agreement establishing the Association, Article V - A-4(b) and the Article VIII A, B, and E of said Bylaws shall not be changed except with the concurrence of the legislative body of each signatory party to said agreement which has not then withdrawn from the Association.

ARTICLE XII- EFFECTIVE DATE

These Bylaws shall going into effect immediately upon the effective date of the agreement.

ARTICLE XIII- HIRING PROHIBITION

No current or former elected official who is or was a Member of the SCAG Regional Council shall be eligible for a period of one (1) year after the last day of service as an elected official for appointment to any full-time, compensated employment with SCAG.

Bylaws adopted by the Joint County-City SCAG Committee:

March 27, 1964

Bylaws amended by the SCAG General Assembly:

February 24, 1966

November 4, 1966

February 24, 1967

February 18, 1970

September 24, 1970

February 16, 1973

September 12, 1974

February 27, 1975

March, 8, 1977

October 6, 1977

March 3, 1978

October 6, 1978

March 16, 1979

October 2, 1980

April 29, 1982

April 26, 1984

January 29, 1987

March 21, 1989

March 22, 1990

April 21, 1991

February 27, 1992

March 12, 1993

March 4, 1994

March 3, 1995

July 3, 1996

October 9, 1997

April 16, 1998

September 3, 1998

April 8, 1999

April 6, 2000

May 1, 2003

September 4, 2003

May 4, 2004

May 5, 2005

May 4, 2006

May 3, 2007